

U.S. Customs & Border Protection Checkpoint
at IH-35 Mile Marker 29
Laredo, Webb County, Texas

Supplemental Environmental Assessment
by the

Department of Homeland Security
Bureau of Customs and Border Protection
Federal Highway Administration

December 2003

Federal Highway Administration

300 E. 8th Street

Austin, Texas 78701

In conjunction with:

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Chapter 1: Purpose and Need for the Project

A. Purpose of the Proposed Project

The United States Customs and Border Protection (CBP) under the Department of Homeland Security (DHS), in conjunction with the Laredo District Texas Department of Transportation (TxDOT), are proposing to build a checkpoint at mile marker 29 of the Interstate Highway 35 (IH-35) in Webb County, Texas. The location of the proposed checkpoint is shown in Figure 1.

This facility, to be directed and operated by the CBP, would enhance the effectiveness of inspections targeting illegal activities and would meet the goals outlined in the CBP mission. Specifically, the CBP mission is to prevent the entry of terrorists and their weapons of terrorism, and enforce laws that protect America's homeland by the detection, interdiction, and apprehension of those who attempt to smuggle any person or contraband across the borders of the United States (U.S.).

This Environmental Assessment (EA) is a supplement to the original DHS EA, *Environmental Assessment for Construction of USBP Checkpoint, Laredo, TX*, which addressed impacts of the checkpoint facility within the boundaries of the 15-acre property located east of IH-35 at mile marker 29 (DHS 2002). The location of the property addressed in the 2002 DHS EA in relation to the current project area is shown on Figure 1. This supplemental EA for the CBP checkpoint at IH-35 mile marker 29 addresses the potential impacts associated with the construction of the ingress and egress ramps between the checkpoint and the mainlanes of IH-35, including the eastern frontage road, and property within the boundaries of the existing TxDOT right-of-way (ROW). The San Roman and Callaghan interchanges access roads connecting the checkpoint facility to IH-35 are the logical termini for this project. While the station construction occurs within an approximately 0.4 mile section adjacent to the northbound lane of I35 near mile marker 29, there will be signs and frontage road closures affecting IH 35 right-of-way in the area between San Roman and Callaghan. For the purposes of this document the construction project will refer to the 0.4-mile section of ROW and frontage road which would be the location of the proposed ingress and egress ramps. For purposes of Section 106 consultation, the archeological area of potential effects extends from the San Roman to the Callaghan interchanges along IH 35 within the TxDOT right-of-way.

Additionally, to address TxDOT comments to the original 2002 EA, this supplemental EA will discuss the adjacent 15-acre property for the following topics only: the Farmland Protection Policy Act, the Executive Memorandum on Beneficial Landscaping and the Executive Order on Invasive Species, potential impacts to migratory birds, cultural resources including archeological resource coordination and historic structures, noise, and public involvement.

B. Need for the Project

The DHS is responsible for the control of immigration into the U.S. and its Territories. Laredo is one of the busiest land port-of-entries in the United States. Due to the recent construction of the Camino-Colombia Toll Road, the existing checkpoint can be circumvented by traffic traveling north away from Laredo. To ensure the public's safety by inspecting all vehicles entering the U.S., a new checkpoint is proposed near mile marker 29 along the north bound lanes of IH-35, which would intercept the traffic bypassing the existing checkpoint. In October 2002, the DHS signed a Finding of No Significant Impact (FONSI) for an EA addressing the 15-acre site on which the checkpoint facility would be placed. This supplemental EA will address traffic patterns, the ingress and egress from the interstate, potential impacts to the TxDOT ROW along with additional concerns identified by TxDOT and the Federal Highway Administration (FHWA) during their review of the 2002 EA.

C. Objectives of the Project

The objective of the Laredo checkpoint at mile marker 29 along IH-35 is to allow the CBP to improve safety on Texas highways by regulating the passage of all vehicles entering from the Camino Colombia Toll Road, which would otherwise avoid inspection. The construction of the checkpoint would provide a facility for the CBP to perform these inspections, and enable CBP to more effectively work to:

- Increase the general public's safety, health and welfare;
- Safeguard and enhance effectiveness of homeland security;
- Prevent the entry of terrorists and their weapons of terrorism;
- Enforce laws that protect America's homeland;
- Detect, interdict, and apprehend those who attempt to smuggle any person or contraband across the borders; and
- Enhance interdiction of illegal drugs and contraband.

The proposed project would meet the goals outlined in the CBP mission.

The purpose of the supplemental EA is to address the logical project termini for the CBP checkpoint, and potential impacts associated with the construction of the ingress and egress ramps between the checkpoint and the mainlanes of IH-35, including the eastern frontage road, and property within the boundaries of the existing TxDOT ROW. Additionally, this supplemental EA will discuss the adjacent 15-acre property only to address specific comments TxDOT made to the original 2002 DHS EA.

D. Focus of the Environmental Analysis

The focus of this environmental analysis is a project area approximately four miles in length along north bound IH-35, within the existing TxDOT ROW, from the Callaghan overpass to the San Roman overpass in Webb County, Texas.

E. Planning & Scoping Process

E.1 Planning Process

The project planning process for the CBP checkpoint began with the identification of a homeland security need in the Laredo area under the jurisdiction of the DHS. Next, a design charrette was conducted, including the CBP (formerly known as the U.S. Border Patrol [USBP]), the DHS, TxDOT, and the U.S. Army Corps of Engineers (USACE). An EA was then prepared addressing environmental impacts for three build alternatives for the 15-acre site on which the facility would be placed. The public was given the opportunity to comment on the project, and afforded the opportunity to request a Public Hearing. However, no comments or requests for a Public Hearing were received. Following these comment periods, a FONSI was issued by the DHS on June 26, 2002. TxDOT and the FHWA stated their concerns to the USACE regarding the environmental document soon after the issuing of the FONSI. An inter-agency meeting was conducted on September 9, 2003, to review these concerns and this supplemental EA document was subsequently contracted.

The proposed CBP checkpoint is not within any Metropolitan Planning Organization (MPO) boundary. Therefore, the project will not be included on a Transportation Improvement Plan (TIP).

E.2 Scoping Process

The project scoping process included early coordination letters to the INS (now part of the DHS), the USBP (now known as the CBP), the Fort Worth District of the USACE, the TxDOT Laredo District, the FHWA, the Texas Parks and Wildlife Department (TPWD), the State Historic Preservation Office (SHPO), the United States Fish and Wildlife Service (USFWS), and all other appropriate local, state, and federal agencies. All coordination letters and comments received can be found in Appendix C of the 2002 *Environmental Assessment for Construction of USBP Checkpoint, Laredo, TX*.

E.3 Related Studies and Relevant Documents

An initial EA was produced by the DHS and received a FONSI from the DHS on June 26, 2002, previous to the development of this supplemental EA. In addition, an engineering document, two cultural resources documents, and a hazardous materials survey reports were produce prior to the writing of this supplemental EA. The reports referenced in this supplemental EA include:

- *Environmental Assessment for Construction of USBP Checkpoint, Laredo, TX*
- *Interstate Access Justification Report*
- *Cultural Resource Survey of Proposed Border Patrol Checkpoint Station and NRHP Significance Testing of Site 41WB612, Webb County, Texas*
- *Cultural Resources Report for: United States Border Patrol Checkpoint Station Located at Mile Marker 29 on US Interstate 35 Near Laredo, Texas*
- *Checkpoint Station at Laredo, Tx IH 35N-Mile Marker 29, Laredo, Texas Regulatory Data Report*

Reference materials that support the information and conclusions contained in this supplemental EA are referenced in Appendix E.

F. Issues/Resource(s) Studied in Detail and Eliminated from Further Study

F.1 Issues/Resource(s) Studied in Detail

This EA reviews issues and resources as required by the National Environmental Policy Act (NEPA), FHWA NEPA Regulations (23 Code of Federal Regulations [CFR] 771), and the FHWA Technical Advisory (T6640.8A). Issues and resources studied in detail in this EA include:

- Joint Development;
- Access to Private Land;
- Surface and Ground Water Quality;
- Biotic Resources and Protected Species; and
- Construction Impacts.

F.2 Issues Eliminated From Further Study

The following issues were studied in detail in accordance with 23 CFR 771 and T6640.8A guidance and eliminated from further study. Those issues eliminated from further study have been listed below. Issues were eliminated if it was determined that there were no impacts as a

result of the No-Build and Build Alternatives and if appropriate coordination had been conducted.

Land Use – Land that is currently undeveloped will be converted to the Laredo CBP checkpoint. While a change in land use, the conversion is consistent with the land use in the area, now primarily ranching and IH 35. The land required for the Build Alternative would change from highway ROW to a publicly-owned/industrial use. The facility would be consistent with the land use in the area, which includes ranching and transportation (an interstate highway).

Farmland Impacts – Prime farmlands soils, as defined by the U.S. Department of Agriculture (USDA), are soils that are best suited to producing food, feed, forage, fiber, and oilseed crops. Identification of prime farmlands is made by the Natural Resource Conservation Service (NRCS). Prime farmlands soils are subject to protection under the Farmlands Protection Policy Act (FPPA) (7 United States Code [U.S.C.] 4202(a)). The purpose of the FPPA is to minimize the extent to which federal programs contribute to the unnecessary and irreversible conversion of prime, unique, and other statewide or locally important farmlands to non-agricultural uses. Agencies are directed to identify and take into account the adverse effect of federal actions on farmlands, to consider appropriate alternative actions that mitigate adverse effects, and to assure that such federal actions are comparable with those state, local, and private programs designed to protect farmlands (Federal Register 1984). The project area and the adjacent 15-acre checkpoint property scored “40” in Part VI of the Farmland Conversion Impact Rating Form AD-1006. A rating below “60” is too low to require further coordination with the NRCS. A copy of the rating form is included in Appendix A.

Social Impacts – There were no residences occupying the census blocks that approximated the project study area within the TxDOT ROW. However, there will be a social impact due to drivers on IH 35 being required to stop at the inspection station. While there will be minor time delays for the typical driver, the need for inspection to stop the transport of contraband or undocumented aliens far outweighs any time lost by drivers. In addition, control of border areas such as Webb County is critical to the federal and state government for national security reasons.

Land owners in the vicinity of the inspection station will also be impacted, because they will have to drive an additional four miles (on the north side of the proposed checkpoint) and two miles (on the south side of the proposed checkpoint), to access their property. While this does represent a time delay, the need for inspections and maintaining national security outweigh any delays experienced.

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Public Facilities and Services Access – There were no public facilities or services in the study area. The proposed facility would not impact public facilities or services located near the proposed site.

Airway – Highway Clearance – There are no public airports in the vicinity of the project. There is a private airstrip approximately 1 ½ miles away from the station, in the vicinity of the Callaghan interchange. Since this is a private airstrip, coordination with the Federal Aviation Administration on airway-highway clearance is not required.

Community Facilities – No community facilities would be displaced and no neighborhoods would be split or isolated as a result of the proposed facility. The Build Alternative would not impact community facilities, community cohesion, or community integrity.

Economic and Employment Impacts – The Laredo CBP checkpoint would not directly impact economic activity, employment, or income in the project study area as a result of the No-Build or Build Alternatives.

Relocations – Residential and business relocations and potential displacements were reviewed according to the guidelines outlined in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Relocation Act). Under this act, as amended, no person shall be displaced until adequate, decent, safe, and sanitary housing is made available. The Build Alternative would not displace any residences or businesses. All landowners would retain access to their properties with the proposed construction of ingress and egress roads entering and exiting the checkpoint.

Environmental Justice – There were no residences occupying the census blocks that approximated the project study area. For this reason, there are no adverse or disproportionate impacts on low-income or minority populations; therefore, there would be no environmental justice impacts as a result of the No-Build or Build Alternative.

Considerations Relating to Pedestrians and Bicycles – There are no pedestrian or bicycle impacts as a result of the No-Build or Build Alternative.

Visual Impacts – Access ramps proposed for the project would blend into the general character of the TxDOT ROW. For this reason, there are no visual impacts resulting from the Build Alternative.

Navigable Waters – There are no navigable waterways within the project area, thus Section 9 or Section 10 permits are not necessary

Wild and Scenic Rivers – No wild or scenic rivers flow in or near the project study area. Therefore, there would be no impacts to wild or scenic rivers associated with the proposed project.

Wetland Impacts – Based on aerial photographs and field observations, there are no jurisdictional wetlands in the project study area. Therefore, there would be no impacts to jurisdictional wetlands associated with the construction of the Build Alternative.

Coastal Barriers – The CBP checkpoint is not located on a barrier island or peninsula, and thus would not impact any coastal barrier resources.

Coastal Zone Management – The CBP checkpoint is not located within the Texas Coastal Management Program (TCMP), so there would not be any impacts to the TCMP.

Essential Fish Habitat – Since the Build Alternative is not located within any tidally influenced areas, no impact to essential fish habitat is anticipated from the CBP checkpoint.

Floodplains – Proposed ingress and egress roads to IH-35 from the checkpoint would not cross the 100-year Floodplain, so no impacts to the floodplain are anticipated with the construction of the proposed project. The proposed project would not increase the base flood elevation to a level that would violate applicable floodplain regulations and ordinances. The hydraulic design of the proposed roadways will be in accordance with the current TxDOT and FHWA policy standards.

Physical Resource Impacts – The checkpoint would impact the soils and the topography of the site, because the site would be earth-worked and paved for the access roads and frontage road modifications, and additional signage would be placed along the project corridor. However, impacts would be minimal due to the previous ROW use of the site.

Beneficial Use and Invasive Species – In accordance with the Executive Memorandum of August 10, 1995, the USACE will comply with NEPA as it relates to vegetation management and landscape practices for all federally assisted projects. In accordance with Executive Order 13112 on Invasive Species and the Executive Memorandum on Beneficial Landscaping, landscaping within the TxDOT ROW and adjacent 15-acre checkpoint property would be limited to seeding and replanting with a mixture of native plants, where possible. A mix of native grasses and forbs would be used to revegetate the TxDOT ROW.

Historic Architectural Resources – Pursuant to Section 106 of the National Historic Preservation Act of 1996, as amended (36 CFR 800), a historic resources investigation consisting of a limited

pedestrian survey and a literature review of the SHPO files were performed by a qualified USACE historic architect in the fall of 2003 (USACE(a) 2003). The survey and literature review were conducted to identify properties in or eligible for listing in the National Register of Historic Places (NRHP) within the Area of Potential Effect (APE). The limits of the APE were determined following an analysis of the project's impact. The APE extends 1,300 feet beyond the proposed project boundaries. The USACE determined that no buildings, structures, or improvements located within the APE meet the criteria for listing in the NRHP. Therefore, no historic structures would be affected by the proposed project and no further historic resource investigations are necessary within the TxDOT ROW, adjacent 15-acre property, or the APE (USACE(a) 2003, USACE(c) 2003). The USACE has coordinated with the Texas Historical Commission (THC) to obtain their concurrence with these findings. TxDOT is coordinating the project impacts associated with the ramps to and from IH 35 as well.

Historic Archeological Resources – A qualified USACE archeologist conducted research along the TxDOT ROW project area in the fall of 2003 (USACE(a) 2003). Fieldwork consisted of a visual inspection of the proposed project area, for the access road locations between IH-35 and the existing fence line, also defined as the edge of the TxDOT ROW. No intact deposits were identified, and no evidence of archeological material was recovered. It was determined that this area had been impacted by past road and drainage ditch construction, and therefore no listed or eligible archeological sites were found. It was recommended that construction be allowed to proceed for the facility without further consultation with the THC. The USACE recommended that no archeological sites listed in, or deemed eligible for designation in the NRHP would be affected by the proposed project and that no further archeological investigations are necessary for the TxDOT ROW, or the 15-acre checkpoint property (USACE(a) 2003, USACE(c) 2003). THC concurred with the recommendation of non-eligibility for the archeological site on the 15-acre property addressed in the 2002 DHS EA in a letter stamped June 28, 2002. The THC letter is included in Appendix A.

For purposes of Section 106 consultation, the archeological area of potential effects under this SEA extends from the San Roman to the Callaghan interchanges along IH 35 within the TxDOT right-of-way. Section 106 coordination for the 15-acre area adjacent to the highway was completed in the previous EA. For the purposes of this SEA, USACE conducted an additional archeological survey within the previously uninvestigated TxDOT right-of-way of the north bound lanes. This work showed an absence of archeological and historical properties eligible for listing on the National Register of Historic Places or that warrant designation as a State Archeological Landmark. A coordination letter including those findings was submitted to the THC/SHPO for their concurrence.

In addition to coordination with the SHPO, coordination with Native American tribes has also been initiated for historic and archeological resource purposes.

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In the unlikely event that buried archeological materials are encountered during construction, work in the area of discovery would cease and accidental discovery procedures will be implemented in accordance with the provisions of the Programmatic Agreement between TxDOT and the THC.

Noise – This project is not on a new location, does not substantially alter either the horizontal or vertical alignment, and does not increase the number of through-traffic lanes. Therefore, a traffic noise analysis is not required by *Guidelines for Analysis and Abatement of Highway Traffic Noise*, issued by TxDOT in June 1996.

Air Quality – The project is located in an area in attainment with the National Ambient Air Quality Standards (NAAQS). Therefore the Transportation Conformity Rule does not apply.

Projects intended to enhance traffic safety and improve traffic flow which, do not add capacity are exempt from an air quality analysis. Current and future emissions should continue to follow existing trends and not be affected by this project. Due to the nature of this project, further air quality analysis was not deemed necessary.

Hazardous Materials – The *Checkpoint Station at Laredo, Tx IH 35N-Mile Marker 29, Laredo, Texas Regulatory Data Report* concluded that there are no hazardous materials sites listed in the database search (GeoSearch 2003). In addition, no potential hazardous materials sites were identified during the field reconnaissance. For these reasons, no impacts to hazardous materials sites are anticipated with the Build Alternative. A copy of the *GeoSearch Regulatory Data Report* is included in Appendix B.

Section 4(f) – The CBP Checkpoint would not require the use of any publicly owned land from a public park, recreational area, wildlife and waterfowl refuge lands, or cultural resources including historic sites of national, state, or local significance. Therefore, as currently designed, the Build Alternative would not require a Section 4(f).

G. Applicable Regulatory Requirements and Required Coordination

Agency Coordination

As part of the project planning process, coordination letters were sent to local, state, and federal agencies to solicit comments they may have regarding the proposed action. Agencies with interests in social, land use, economic impacts, and with jurisdiction over natural resources that received early coordination letters include:

- INS (now part of the DHS)
- USBP (now known as the CBP)
- USACE, Fort Worth District

- TxDOT, Laredo District
- FHWA
- TPWD
- SHPO
- USFWS

All coordination letters can be found in Appendix C of the 2002 *Environmental Assessment for Construction of USBP Checkpoint, Laredo, TX*.

H. Public Involvement Process

A copy of the original EA was hand-delivered to each landowner in the project area in the spring of 2002, during the opportunity for public comment and the opportunity to request a public hearing. No comments or requests for a public hearing were received.

In August of 2003, agents hand-delivered a copy of a signed letter dated August 7, 2003, to the affected landowners noting the issuing of the FONSI for the original EA, and informing the public of modifications to the EA to address further concerns. The notice also informed the public of an opportunity to request a public hearing. This notice was published in English and Spanish the *Laredo Morning Times* on the 21st and 24th of August 2003. Copies of the public notice and the letter to the landowners are included in Appendix A of this document. To date, no comments or requests for a public hearing were received.

The USACE will either afford the opportunity for a public hearing or hold a public hearing prior to the final approval of this supplemental EA document.

Chapter 2: Description of the Alternatives

A. Process Used to Develop the Project Alternatives

The *Environmental Assessment for Construction of USBP Checkpoint, Laredo, TX* (DHS 2002) evaluated three preliminary Build Alternatives, 1, 2, and 3, for the proposed CBP Checkpoint. Because a FONSI was issued for the Preferred Alternative, Alternative 3, this supplemental document will only address the alignment of the ingress and egress roads associated with the Preferred Alternative identified in the 2002 EA. For the purposes of this document, the Preferred Alternative will be referred to as the Build Alternative.

B. Requirements For and Benefits of Alternatives

B.1 Principal Design Requirements

The principal design requirements are that the Build Alternative that achieved the project's purpose and need was considered and evaluated. In addition, the Build Alternative studied must achieve the following:

- Location along a main corridor, such as a roadway, highway, or interstate;
- Location at least two miles, but less than 100 miles, from the international border;
- Location along a straight segment of roadway to allow safe entry and exit of vehicles into and out off the checkpoint;
- Size of at least 15 acres to support the checkpoint, infrastructure, and associated outbuildings for the facility itself;
- Minimal impact to existing roads and structures;
- Availability of readily accessible utilities;
- Availability of land at fair market value;
- Minimal impact to environmentally sensitive areas;
- Strategic location near intersections to allow maximum coverage of multiple highways; and
- Strategic location away from other facilities or features that would increase the ability of undocumented aliens to evade detection

B.2 Desired Design Benefits

The desired design benefits for the CBP Checkpoint include the following:

- Security - inspection of all vehicles entering Texas from Mexico;
- Accessibility- Property owners north of the checkpoint would be required to pass through the checkpoint. However, all property owners will retain access to their properties.

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- Impact to Landowners- Adjacent landowners north of the checkpoint would be required to pass through the checkpoint to access their properties. Landowners south of the checkpoint would be required to pass through the checkpoint only when proceeding north on IH-35. In addition, the landowners on the south side would have to travel south on the feeder road to go north.
- Right-of-Way Acquisition- the design would provide each agency with a means to complete its intended service, and ROW would not exceed the limits of the acquired property;
- Construction Cost- the design would be cost efficient

B.3 Environmental Protection and Enhancement Requirements

The CBP Checkpoint environmental protection and enhancement requirements include:

- Comply with the TxDOT-TPWD Memorandum of Understanding (MOU);
- Comply with the TxDOT-THC Programmatic Agreement;
- Comply with the requirements of the Civil Rights Act of 1964, the Uniform Relocation Act, and the Housing and Urban Development Act of 1974;
- Texas Pollution Discharge Elimination System (TPDES) General Permit;
- Coordinate with USFWS;
- Coordinate with TxDOT;
- Comply with the 1995 Executive Memorandum on Beneficial Landscaping and the Invasive Species Executive Order 13112; and
- Complete all mitigation and monitoring commitments.

C. Alternatives Eliminated from Detailed Study

There were no Alternatives eliminated from further study in this supplemental EA.

D. Detailed Description of Reasonable Alternatives

One Build Alternative and the No-Build Alternative were evaluated at the level required for an EA by 23 CFR 771, and T6640.8A. Figures 7 through 10 illustrate the design of the Build Alternative described in this EA.

D.1 The No-Build Alternative

The No-Build Alternative assumes that the CBP facility and its connecting access roads would not be constructed. The No-Build Alternative also serves as the baseline for comparison of the beneficial and adverse effects of the Build Alternative. Under the No-Build Alternative, CBP would not have a permanent facility to inspect trucks crossing the border into Texas from

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Mexico. The No-Build Alternative would not address the need to ensure public safety by inspecting all vehicles entering the U.S., and therefore does not meet the project's purpose and need.

D.2 Reasonable Build Alternatives

Build Alternative

The approximately four-mile long project area starts at the interchange of IH-35 and Callaghan at mile marker 28, and ends at the interchange of IH-35 and San Roman at mile marker 32. The majority of the construction activity would take place at mile marker 29. Work outside of this area would be limited to signs and barriers to direct traffic on the mainlanes of north bound IH-35 and the two-way frontage road east of IH-35, up to two miles north and south of the checkpoint.

The Build Alternative is located along IH-35, encompassing the north bound mainlanes of the interstate to the edge of the TxDOT ROW, as shown in Figures 1 and 2. The two existing north bound mainlanes of IH-35 would be diverted into the checkpoint facility. All traffic would exit IH-35 via a proposed exit ramp just south of mile marker 29, and proceed to the checkpoint. Three lanes would be dedicated for car use only, one lane for truck/bus use, and two lanes for truck use only. Vehicles exiting the checkpoint would re-enter the mainlanes of IH-35 via two entrance ramp lanes.

The existing two-lane frontage roads would dead-end north and south of the checkpoint facility. Turn-around areas would be constructed at each frontage road terminus. An administrative access road enters the checkpoint from the existing north bound frontage road south of the checkpoint. This road would be used for emergency and official use only. Within the checkpoint, approximately 1,800 feet of the exiting frontage road would be removed and converted to official and/or emergency use only.

Landowners on the north side of the checkpoint would be required to travel approximately an additional four miles to access their properties. This additional length would be required because the frontage road on the north side of the checkpoint would be closed to through traffic, and the landowners would be required to access their properties from the existing two-lane frontage road via the interchange of San Roman and IH-35. Landowners on the south side of the checkpoint would be required to travel approximately an additional two miles to travel north, and stop at the checkpoint.

The facility and IH-35 exit and entrance ramps would remain open 24 hours per day. All traffic entering the facility via the IH-35 exit ramp would be required to stop for inspection. The amount of TxDOT ROW within the project area, including the areas designated for placement of

barriers and/or signage, is estimated at 8 acres. The cost of construction is estimated at \$8.9 million. A complete traffic analysis is documented in the *Interstate Access Justification* report (USACE (b) 2003).

E. Cumulative Impacts

The purpose of the checkpoint facility is to fulfill safety and security needs resulting from traffic entering the U.S. from Mexico. The facility would not cause any additional truck traffic that is not already increasing due to commercial trucking under the North American Free Trade Agreement (NAFTA). There are no known projects planned within the project area that would be impacted by the construction of the checkpoint. However, there are several projects planned in the Laredo area and all along the border that will cumulatively result in the overall development of undeveloped lands. While difficult to determine the exact cumulative impacts of the proposed projects, these projects could potentially result in a decline in native habitat, changes in land use, and minimal increases in traffic. The projects may also have positive cumulative impacts to socioeconomics by increased employment resulting from the addition of border agents, a wider circulation of income, and increased mobility through the construction of highway projects.

Chapter 3: Affected Environment and Environmental Consequences

A. Joint Development

This project will involve working in coordination with the Laredo District TxDOT to reroute all highway traffic on north bound IH-35 into the checkpoint for the Build Alternative. The project would also necessitate the dead-ending of the two-way frontage road on the east side of the IH-35, just north and south of the check point station. Figures 7 through 10 show the proposed signage and rerouting of the roadways.

B. Access to Private Land

Access to the land adjacent to the checkpoint will be maintained at all times. Landowners on the north side of the checkpoint would be required to travel approximately an additional four miles to access their properties. This additional length would be required because the frontage road on the north side of the checkpoint would be closed to through traffic, and the landowners would be required to access their properties from the existing two-lane frontage road via the interchange of San Roman and IH-35. Landowners on the south side of the checkpoint would be required to travel approximately an additional two miles to travel north, and stop at the checkpoint. This additional length would be required because the frontage road on the south side of the checkpoint would be closed to through traffic, and the landowners would be required to travel south along the two-way frontage road to the Callaghan interchange to access the north bound lanes of IH-35.

Environmental Consequences of Implementing the No-Build Alternative

The No-Build Alternative would not impact access to the land adjacent to the facility.

Environmental Consequences of Implementing the Build Alternative

Access to the land surrounding the checkpoint will be maintained at all times. However, a minimal impact to access is anticipated with the proposed project because adjacent landowners will be required to travel an additional two to four miles, depending on their destination.

C. Surface and Ground Water Quality Impacts

There are no streams, creeks or tributaries within the project area. Dolores Creek, the next closest water body, is outside of the project area and would not be directly impacted by the proposed project. Storm water runoff from the proposed project would flow into several creeks which all flow into the Nueces River.

Environmental Consequences of Implementing the No-Build Alternative

The No-Build Alternative would not impact access to the land adjacent to the facility.

Environmental Consequences of Implementing the Build Alternative

Storm water runoff from would flow into several creeks which flow into the Nueces River, segment number 2104 of the Nueces River Basin. This feature, as listed in the Texas Commission on Environmental Quality (TCEQ) Water Quality Inventory, is classified as "effluent limited," and is designated for high aquatic life use, contact recreation use, and public water supply use (1996). This segment is designated as threatened or impaired for depressed dissolved oxygen and high pH values in the 2002 Clean Water Act Segment 303(d) list. However, the project is more than 5 miles upstream from the impaired segment. Therefore, no coordination with the TCEQ is required for total maximum daily loads.

The water quality of waters in the State shall be maintained in accordance with all applicable provisions of the Texas Surface Water Quality Standards including the General, Narrative and Numerical Criteria. To minimize impacts to water quality during construction, the proposed project would utilize temporary erosion and sedimentation control practices from the Department's manual *Standard Specifications for the Construction of Highways, Streets, and Bridges*. Where appropriate, these temporary erosion and sedimentation control structures would be in place prior to the initiation of construction and would be maintained throughout the duration of the construction. Clearing of vegetation would be limited and/or phased in order to maintain a natural water quality buffer and minimize the amount erodible earth exposed at any one time. Upon completion of the earthwork operations, disturbed areas would be restored and reseeded according to the TxDOT's specifications for "Seeding for Erosion Control".

Best Management Practices that TxDOT anticipates would be used in the construction and post-construction periods of the proposed checkpoint include:

Erosion Controls	Temporary Vegetation / Mattes / Blankets
Sediment Controls	Silt Fences / Rock Berms
Post-Construction Total Suspended Solids Controls	Vegetative Strips / Revegetation

The contractor will take appropriate measures to prevent, minimize and control the spill of fuels, lubricants, and hazardous materials in the construction staging area. All spills, including those of less than twenty-five (25) gallons shall be cleaned immediately and any contaminated soil shall be immediately removed from the site and be disposed of properly. Designated areas shall be identified for spoils disposal and materials storage. These areas shall be protected from run-on and run-off. Materials resulting from the destruction of existing roads and structures shall be

stored in these designated areas. The contractor would practice "good housekeeping" measures, as well as, "grade management" techniques to help ensure that proper precautions are in place throughout construction of the proposed project. There are no public water supply intakes within the project limits or adjacent areas. No adverse affects are expected to this resource.

Because this project would disturb more than one (1) acre the DHS, in conjunction with the TxDOT, would be required to comply with the TCEQ - TPDES General Permit for Construction Activity. The project would disturb more than one (1) acre; therefore, a Notice of Intent (NOI) would be filed to comply with TCEQ stating that a *Storm Water Pollution Prevention Plan (SW3P)* would be in place during construction of proposed project. The *SW3P* utilizes the temporary control measures as outlined in the Department's manual *Standard Specifications for the Construction of Highways, Streets, and Bridges*. No short- or long-term water quality impacts are expected as a result of the proposed project. Permits pertaining to Sections 401 and 404 of the Clean Water Act would not be required for this project.

D. Biotic Resources and Protected Species

D.1 Vegetation

The project area is located in the South Texas Plains of Texas (Gould et al. 1960). The predominant vegetation type in the project area is Mesquite-Black Brush (McMahan et al. 1984). Plant species commonly associated with this vegetation type include: Lotebush, ceniza, guajillo, desert olive, allthorn, whitebrush, bluewood, granjeno, guayacan, leatherstem, Texas pricklypear, tasajillo, kidneywood, yucca, desert yaupon, goatbush, purple three-awn, pink pappusgrass, hairy tridens, slim tridens, hairy grama, mat euphorbia, coldenia, dogweed, knotweed leafflower, and two-leaved senna (McMahan et al. 1984). Due to development and construction within the project area, the vegetation community no longer resembles this vegetation type.

The project area is approximately four miles in length along the north bound side of IH-35 within the boundaries of the existing TxDOT ROW, from the Callaghan Overpass to the San Roman Overpass. The amount of TxDOT ROW within the project area, including the areas designated for placement of barriers and/or signage, is approximately 8 acres. The vegetative community within the TxDOT ROW is maintained mixed grasses. The project area mainly consists of open areas with little or no native vegetation. Less than one acre of the total project area would be directly converted from maintained grasses within the TxDOT ROW to paved access ramps. Figure 2 is an aerial photograph of the project area, showing the lack of native vegetation in the ROW. The land use surrounding the project study area includes ranches with native vegetation, including mesquite (*Prosopis* sp.), prickly pear (*Opuntia engelmannii*), guajillo (*Acacia berlandieri*), blackbrush acacia (*Acacia rigidula*), and retama (*Parkinsonia aculeata*) (Everitt and Drawe 1993; Taylor et al. 1999). The dominant species in these areas are mesquite and prickly pear. Figure 2 is an aerial photograph of the project area. Figures 3 through 6 are ground photographs showing the TxDOT ROW and surrounding areas.

D.2 Wildlife

Wildlife in the immediate project area would be limited because the project area consists of maintained mixed grasses along the TxDOT ROW and paved roadways.

The Migratory Bird Treaty Act states that it is unlawful to kill, capture, collect, possess, buy, sell, trade, or transport, any migratory bird, nest, or egg, in part or in whole, without a federal permit issued in accordance with the Act's policies and regulations. Measures to minimize impacts to migratory bird habitat will be implemented to avoid any harm to migratory birds for all work conducted within the TxDOT ROW and the adjacent 15-acre checkpoint property, including scheduling construction of the facility outside of the breeding season.

D.3 Threatened and Endangered Species

Some populations of fauna and flora have been, or are, in the process of decline due to either natural forces or their inability to coexist with humans. The Endangered Species Act of 1973, as amended, authorized the U.S. Department of Interior, USFWS, to identify populations of flora and fauna that are in decline and endangered or threatened with extinction. The Act requires that any federal action likely to adversely affect a species classified as federally protected be subject to review by the USFWS. Other species may receive additional protection under separate state laws. Table 1 lists the federal- and state-listed threatened, endangered, and rare species for Webb County. Also shown is the potential availability of suitable habitat within the project study area, based on aerial photographs, field investigations and information obtained from the USFWS, TPWD, and a review of the Texas Biological and Conservation Database System (TxBCD) in November 2003.

**Table 1. Federal- and State-Listed Threatened, Endangered, and Species
of Concern in Webb County, Texas***

Species	Federal Status	State Status	Description of Suitable Habitat	Habitat Present	Species Effect	Pertinent Project Information
Amphibians						
South Texas Siren - large form (<i>Siren</i> sp. 1)	—	T	Wet or sometimes wet areas, such as arroyos, canals, ditches, or even shallow depressions; aestivates in the ground during dry periods, but does require some moisture to remain; southern Texas south of Balcones Escarpment; breeds February-June	No	No	There are not wet or sometimes wet areas, such as arroyos, canals, ditches, or even shallow depressions within the project area.
Birds						
White-tailed Hawk <i>Buteo albicaudatus</i>	—	T	Near coast it is found on prairies, cordgrass flats, and scrub-live oak; further inland on prairies, mesquite and oak savannas, and mixed savanna-chaparral; breeding March to May	No	No	The project area is not near the coastline and does not contain the species preferred vegetation composition.

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Species	Federal Status	State Status	Description of Suitable Habitat	Habitat Present	Species Effect	Pertinent Project Information
Common Black Hawk <i>Buteogallus anthracinus</i>	—	T	Cottonwood-lined rivers and streams; willow tree groves on the lower Rio Grande floodplain; formerly bred in south Texas	No	No	The project area is does not include cottonwood-lined rivers and streams, or willow tree groves on the lower Rio Grande floodplain.
American Peregrine Falcon <i>Falco peregrinus anatum</i>	DL	E	Nests in the Trans-Pecos region, of west Texas; nests on high cliffs, often near water where prey species are most common.	No	No	No tall cliffs near water are within the project area.
Arctic Peregrine Falcon <i>Falco peregrinus tundrius</i>	DL	T	Nests in tundra regions; migrates through Texas; winter inhabitant of coastlines and mountains from Florida to South America. Open areas, usually near water.	No	No	Rare to uncommon migrant only. Species not detected on-site. Project area does not contain suitable nesting or winter habitat. No open areas near water are within the project area.
Sennett's Hooded Oriole <i>Icterus cucullatus sennetti</i>	—	—	Often builds nests in and of Spanish moss (<i>Tillandsia unioides</i>); feeds on invertebrates, fruit, and nectar; breeds March-August	No	No	The project area does not contain areas of Spanish Moss.
Audubon's Oriole <i>Icterus graduacauda audubonii</i>	—	—	Scrub, mesquite; nests in dense trees, or thickets, usually along water courses	No	No	The project area does not contain scrub, mesquite, or dense trees along a watercourse.
Cactus Ferruginous Pygmy-owl <i>Glaucidium brasilianum cactorum</i>	—	T	Riparian trees, brush, palm, and mesquite thickets; during day also roosts in small caves and recesses on slopes of low hills; breeding April to June	No	No	The project area does not contain riparian trees, brush, palm, mesquite thickets, small caves or recesses on slopes of low hills.
Wood Stork <i>Mycteria americana</i>	—	T	Forages in prairie ponds, flooded pastures or fields, ditches, and other shallow standing water, including salt-water; usually roosts communally in tall snags, sometimes in association with other wading birds (i.e. active heronries); breeds in Mexico and birds move into Gulf States in search of mud flats and other wetlands, even those associated with forested areas; formerly nested in Texas, but no breeding records since 1960	No	No	There are no water bodies, mudflats, or wetlands within the project area.

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Species	Federal Status	State Status	Description of Suitable Habitat	Habitat Present	Species Effect	Pertinent Project Information
Interior Least Tern <i>Sterna antillarum</i>	LE	E	This subspecies is listed only when inland (more than 50 miles from a coastline); nests along sand and gravel bars within braided streams, rivers; also know to nest on man-made structures (inland beaches, wastewater treatment plants, gravel mines, etc); eats small fish & crustaceans, when breeding forages within a few hundred feet of colony	No	No	There are no sand and gravel bars within braided streams, rivers or man-made structure such as: inland beaches, wastewater treatment plants, gravel mines, etc.
Mountain Plover <i>Charadrius montanus</i>	P/T	—	Breeding: nests on high plains or shortgrass prairie, on ground in shallow depression; nonbreeding: shortgrass plains and bare, dirt (plowed) fields; primarily insectivorous	No	No	High plains and shortgrass prairies are not found within the project area.
Western Burrowing Owl <i>Athene cunicularia hypugaea</i>	—	—	Open grasslands, especially prairie, plains, and savanna, sometimes in open areas such as vacant lots near human habitation or airports; nests and roosts in abandoned burrows and man-made structures, such as culverts	Yes	No	The project area does contain open areas along the ROW, and culverts are found adjacent to the project area. Species not detected onsite. This species is mobile and could avoid construction. Therefore, no affect to this species is anticipated.
Fish						
Blue Sucker <i>Cycleptus elongatus</i>	—	T	Usually inhabits channels and flowing pools with a moderate current; bottom type usually consists of exposed bedrock, perhaps in combination with hard clay, sand, and gravel; adults winter in deep pools and move upstream in spring to spawn on riffles	No	No	There are no water bodies within the project area.
Conchos Pupfish <i>Cyprinodon eximius</i>	—	T	Sloughs, backwaters, and margins of small to medium rivers	No	No	There are no water bodies within the project area.
Rio Grande Darter <i>Etheostoma grahami</i>	—	T	Gravel and rubble riffles of creeks and small rivers	No	No	There are no water bodies within the project area.
Rio Grande Shiner <i>Notropis jemezianus</i>	—	Rare	Large, open, weedless rivers or large creeks with bottom of rubble, gravel and sand, often overlain with silt	No	No	There are no water bodies within the project area.

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Species	Federal Status	State Status	Description of Suitable Habitat	Habitat Present	Species Effect	Pertinent Project Information
Bluntnose Shiner (extirpated) <i>Notropis simus</i>	—	T	Main river channels, often below obstructions over substrate of sand, gravel, and silt; damming and irrigation practices presumed major factors contributing to decline	No	No	There are no water bodies within the project area.
Mammals						
Big Free-tailed Bat <i>Nyctinomops macrotis</i>	—	—	Habitat data sparse but records indicate that species prefers to roost in crevices and cracks in high canyon walls, but will use buildings, as well; reproduction data sparse, but gives birth to single offspring late June-early July; females gather in nursery colonies; winter habits undetermined, but may hibernate in the Trans-Pecos; opportunistic insectivore	No	No	The project area does not contain canyons or buildings.
Ghost-faced Bat <i>Mormoops megalophylla</i>	—	—	Colonially roosts in caves, crevices, abandoned mines, and buildings; insectivorous; breeds late winter-early spring; single offspring born per year	No	No	The project area does not contain caves, crevices, abandoned mines, or buildings.
Gray Wolf <i>Canis lupus</i> (extirpated)	LE	E	Formerly known throughout the western two-thirds of the state in forests, brushlands, or grasslands	No	No	Extirpated. The project area does not contain forests, brushlands, or grasslands.
Jaguarundi <i>Herpailurus yagouaroundi</i>	LE	E	Thick brushlands, near water favored; six month gestation, young born twice per year in March and August	No	No	The project area does not contain brushlands near water.
Ocelot <i>Leopardus pardalis</i>	LE	E	Dense chaparral thickets; mesquite-thorn scrub and live oak mottes; avoids open areas; breeds and raises young June-November	No	No	The project area does not contain dense chaparral thickets; mesquite-thorn scrub, or live oak mottes.
Davis Pocket Gopher <i>Geomys personatus davis</i>	—	—	Burrows in sandy soils in southern Texas	No	No	The project area does not contain sandy soils. The soil is clayey.

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Species	Federal Status	State Status	Description of Suitable Habitat	Habitat Present	Species Effect	Pertinent Project Information
Cave Myotis Bat <i>Myotis velifer</i>	—	—	Roosts colonially in caves, rock crevices, old buildings, carports, under bridges, and even in abandoned Cliff Swallow (<i>Petrochelidon pyrrhonota</i>) nests; roosts in clusters of up to thousands of individuals; hibernates in limestone caves of Edwards Plateau and gypsum caves of Panhandle during winter; opportunistic insectivore	No	No	The project area does not contain caves, rock crevices, old buildings, carports, bridges, and abandoned Cliff Swallow nests, limestone caves of the Edwards Plateau or gypsum caves of the Panhandle.
White-nosed Coati <i>Nasua narica</i>	—	T	Woodlands, riparian corridors and canyons; most individuals in Texas probably transients from Mexico; diurnal and crepuscular; very sociable; forages on ground and in trees; omnivorous; may be susceptible to hunting, trapping, and pet trade	No	No	The project area does not contain woodlands, riparian corridors and canyons.
Yuma Myotis Bat <i>Myotis yumanensis</i>	—	—	Desert regions; most commonly found in lowland habitats near open water, where forages; roosts in caves, abandoned mine tunnels, and buildings; single offspring born May-early July	No	No	The project area does not contain lowland habitats near open water, caves, abandoned mine tunnels, or buildings.
Mollusks						
Texas Hornshell <i>Popenaias popei</i>	—	—	Rio Grande drainage from the Pecos River to the Falcon Breaks	No	No	The project area does not include the Rio Grande drainage from the Pecos River to the Falcon Breaks.
Reptiles						
Reticulate Collared Lizard <i>Crotaphytus reticulatus</i>	—	T	Requires open brush-grasslands; thorn-scrub vegetation, usually on well-drained rolling terrain of shallow gravel, caliche, or sandy soils; often on scattered flat rocks below escarpments or isolated rock outcrops among scattered clumps of prickly pear and mesquite	Yes	Yes	Prickly pear and mesquite are not found within the project area, however they are found adjacent to the project area. The species was not detected onsite. Although this species is mobile and could normally avoid construction, a sleeping or dormant animal is subject to being killed by construction. Therefore, there is a possibility of impact to individuals, with temporary, but no long-term, impact to resource.

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Species	Federal Status	State Status	Description of Suitable Habitat	Habitat Present	Species Effect	Pertinent Project Information
Indigo Snake <i>Drymarchon corais</i>	—	T	Thornbrush-chaparral woodlands of south Texas, in particular dense riparian corridors; can do well in suburban and irrigated croplands if not molested or indirectly poisoned; requires moist microhabitats, such as rodent burrows, for shelter	No	No	Thornbrush-chaparral woodlands are not found within the project area.
Texas Tortoise <i>Gopherus berlandieri</i>	—	T	Open scrub woods, arid brush, lomas, grass-cactus association; open brush with grass understory preferred; uses shallow depressions at base of bush or cactus or underground burrow or hides under surface cover	Yes	Yes	Woods and brush with a grass understory is not found within the project area, however it is found adjacent to the project area. Species was not detected onsite. Although this species is mobile and could normally avoid construction, a sleeping or dormant animal is subject to being killed by construction. Therefore, there is a possibility of impact to individuals, with temporary, but no long-term, impact to resource.
Spot- Tailed Earless Lizard <i>Holbrookia lacerata</i>	—	—	Central & southern Texas and Adjacent Mexico; oak-juniper woodlands & mesquite-prickly pear associations; eggs laid underground; eats small invertebrates	Yes	Yes	Oak-juniper woodlands not found onsite. Mesquite-prickly pear associations are not found within the project area, but are adjacent to the project area. Species was not detected onsite. Although this species is mobile and could normally avoid construction, a sleeping or dormant animal is subject to being killed by construction. Therefore, there is a possibility of impact to individuals, with temporary, but no long-term, impact to resource.
Keeled Earless Lizard <i>Holbrookia propinqua</i>	—	—	Coastal dunes, barrier islands, and other sandy areas; eats insects and likely other small invertebrates; lays clutches of 2-7 eggs March-September (most May-August) in soil/underground	No	No	Coastal dunes, barrier islands, and other sandy areas are not found within the project area.

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Species	Federal Status	State Status	Description of Suitable Habitat	Habitat Present	Species Effect	Pertinent Project Information
Mexican Blackhead Snake <i>Tantilla atriceps</i>	—	—	Southern Texas and northeastern Mexico; shrubland savanna; nocturnal; lays clutch of probably 1-3 eggs	No	No	No shrubland savanna is found within the project area.
Texas Horned Lizard <i>Phrynosoma cornutum</i>	—	T	Open, arid and semi-arid regions with sparse vegetation, including grass, cactus, scattered brush or scrubby trees; sandy to rocky soil.	Yes	Yes	Cactus and scattered brush are not found within the TxDOT ROW area, but are found adjacent to the project area. The species was not detected onsite. Although this species is mobile and could normally avoid construction, a sleeping or dormant animal is subject to being killed by construction. Therefore, there is a possibility of impact to individuals, with temporary, but no long-term, impact to resource.
Vascular Plants						
Kleberg Saltbush <i>Atriplex klebergorum</i>	—	—	Endemic; sandy to clayey loams, usually saline; often with other halophytes; maturation usually occurs in fall but may vary with rainfall	No	No	Preferred habitat is not found onsite. Project area is planted grasses within a maintained ROW.
Nickel's Cory Cactus <i>Coryphantha sulcata</i> <i>var nickelsiae</i>	—	—	Alluvial gravels (?) or low hills along the Rio Grande; Webb County included in distribution based on 1906 specimen record with "Laredo" as location	No	No	Preferred habitat is not found onsite. The project area is not along the Rio Grande.
Few-spine Engelmann's Prickly-pear <i>Opuntia engelmannii</i> <i>var flexospina</i>	—	—	Endemic; dry gravelly hills near Rio Grande	No	No	The preferred habitat is not found onsite. The project area is not along the Rio Grande.
McCart's Whitflow-wort <i>Paronychia maccartii</i>	—	—	Known only from one type specimen collected in Webb County, March 1962; type location is located three miles south of Mirando City, where substrate is hardpacked red sand, probably of the Cuevitas-Randado association derived from the Goliad formation; flowering in spring	No	No	The preferred habitat is not found onsite. The project area is planted grasses within a maintained ROW.
Ashy Dogweed <i>Thymophylla tephroleuca</i>	LE	E	Endemic; grassland or blackbrush or cenizo shrublands on fine sandy loam soils; flowering February-November	No	No	Preferred habitat is not found onsite. Project area is planted grasses within a maintained ROW.

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Species	Federal Status	State Status	Description of Suitable Habitat	Habitat Present	Species Effect	Pertinent Project Information
Johnston's Frankenia <i>Frankenia johnstonii</i>	LE	E	Shrublands on flats on saline sandy to clayey soils and on rocky gypseous slopes; flowering throughout year depending on rainfall	No	No	Preferred habitat is not found onsite. Project area is planted grasses within a maintained ROW.
LE, LT - Federally Listed Endangered/Threatened PT, C - Federally Proposed Threatened, or Candidate Species DL, PDL - Federally Delisted/Proposed Delisted			E, T - State Endangered/Threatened " — " - Species of Concern, but with no regulatory listing status *Data Sources: U.S. Fish and Wildlife Service (2003), Texas Parks and Wildlife Department (2003), and survey of project area.			

Critical habitat, as defined by the Endangered Species Act, is a term for habitat given special protection for the benefit of the listed species. No critical habitat occurs within the TxDOT ROW (TxBCD 2003). The TxBCD did not list any federally-listed threatened or endangered species within the project study area (2003). No suitable habitat is available on the Build Alternative for any of the federally-listed threatened or endangered species.

State Listed Species of Concern

The TPWD TxBCD includes federally-listed species and identifies additional species receiving protection under state laws. Federal Species of Concern (FSC) and state-protected species are not protected under Section 7 of the Endangered Species Act of 1973, as amended. Potential effects to these species were considered during the natural resource investigations that were conducted for the proposed project.

Habitat for the state-listed western burrowing owl may be found onsite, and adjacent to the project area. The preferred habitats for the reticulate collared lizard, Texas tortoise, Texas horned lizard, and spot-tailed earless lizard were not found within the TxDOT ROW. However, these habitats were found adjacent to the ROW. The reticulate collared lizard, Texas tortoise, and Texas horned lizard are state-listed as threatened. The spot-tailed earless lizard is state-listed as rare. The TxBCD listed one sighting of the reticulate collared lizard north of the project area (2003). Although these species are mobile and could normally avoid construction, a sleeping or dormant animal is subject to being killed by construction. Since there are no applicable regulations regarding these FSCs and state-protected species, it is the policy of the TxDOT to notify the TPWD of any possible effect on these species, in accordance with the TxDOT MOU with the TPWD.

Environmental Consequences of Implementing the No-Build Alternative

The No-Build Alternative would not impact any vegetation, terrestrial wildlife, or effect threatened and endangered species within the project study area.

Environmental Consequences of Implementing the Build Alternative

Due to previous disturbance and bulldozed leveling and clearing of vegetation within the TxDOT ROW, there would be minimal impacts to plant communities and terrestrial wildlife with the construction of the proposed access roads for the checkpoint. Any motile wildlife species would likely move to adjacent uniformly vegetated areas. Non-motile, slow moving or dormant species may be lost during earth moving and construction. However, these impacts would be minor and temporary. In addition, the slowing of traffic due to checkpoint could potentially lower the likelihood of road kill in the area.

The preferred habitats for the reticulate collared lizard, Texas tortoise, Texas horned lizard, and spot-tailed earless lizard were found adjacent to the project area. Although these species are mobile and could normally avoid construction, a sleeping or dormant animal is subject to being killed by construction. Based on current estimates, construction is scheduled to begin in February. Therefore, there is a possibility of impact to individuals, with temporary, but no long-term, impact to resource. Habitat for the western burrowing owl may be found onsite, and adjacent to the project area. However, the species was not detected onsite, and this species is mobile and could avoid construction. Therefore, no affect to the western burrowing owl is anticipated. A review of the TxBCD did not reveal any recorded federally protected species sightings within the project area. Therefore, no affect to federally-listed species are anticipated. The TPWD will be notified of the recorded reticulate collared lizard occurrence near the project area, and coordination with the TPWD will be initiated for the potential impacts to state-listed threatened species and species of concern.

E. Construction Impacts

Construction Impacts from Implementing the No-Build Alternative

There would be no construction impacts associated with the No-Build Alternative.

Construction Impacts from Implementing the Build Alternative

Traffic Impacts

The proposed construction may require some traffic control. A traffic control plan would be implemented to assure uninterrupted traffic flow during construction. Signs would be strategically placed as a method of controlling traffic during the construction activities.

Noise Impacts

Noise associated with the project construction is difficult to predict. Heavy machinery, the major source of construction noise, is constantly moving in unpredictable patterns. However, construction normally occurs during daylight hours when occasional loud noises are more tolerable. Wildlife in the immediate area would be disturbed by the heavy machinery. However, this disturbance would be temporary and wildlife would be expected to return after

construction. There are no sensitive receivers in the project area. Provisions would be included in the plans and specifications that require the contractor to make every reasonable effort to minimize construction noise through abatement measures such as work-hour controls and proper muffler system maintenance.

Vegetation

Vegetation would be cleared only as needed and clearing may be phased, to maintain soil integrity and minimize exposure of an erosive surface. When construction is completed, disturbed areas would be restored and re-seeded according to the TxDOT specification "*Seeding for Erosion Control*."

Air Quality Impacts

Construction may temporarily degrade air quality through dust and exhaust gases associated with construction equipment. Measures to control dust would be considered and incorporated into the final design and construction specifications.

Water Quality Impacts

With respect to potential surface water contamination due to erosion as a direct result from construction, and more specifically, the removal of existing vegetation, *Best Management Practices* will be used to minimize impacts and contamination to downstream waterways. The most effective best management measure in order to reduce the volume of material eroded from a site is to limit the extent of the natural vegetation that is disturbed. Planning the necessary locations of disturbances and restricting construction traffic to those areas would substantially reduce the overall damage to native vegetation and reduce erosion. Promptly revegetating any disturbed areas upon completion of construction would also reduce erosion. Appropriate measures will be taken to avoid spillage and to control runoff into public drainage systems. Such measures would include an erosion and sedimentation control plan, provisions for waste materials and storage, storm water management measures, and appropriate road maintenance measures. TPDES procedures will be followed during construction and TxDOT's *Best Management Practices and Sedimentation Control Guidelines* will be strictly enforced during the construction stages of the project. In addition, a *SW3P* and an NOI will be developed for the project.

F. Summary Comparison of Potential Effects

Table 2 compares the potential effects of each resource by Alternative.

Table 2. Comparison of Potential Effects by Alternative

Resources	No-Build	Build Alternative
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Resources	No-Build	Build Alternative
Land Use Impacts		
- Land Use Impacts ^a	No Impacts	No Impacts
Prime Farmland Impacts		
- Prime, Statewide or Local Important Farmlands Impacts (acres)	0	0
Economic Impacts		
- Residential Relocations (#)	0	0
- Income (Change) ^a	No Impacts	No Impacts
- Community Cohesion ^a	No Impacts	No Impacts
- Public Facilities and Services Access ^a	No Impacts	No Impacts
- Community Facilities ^a	No Impacts	No Impacts
- Church Displacements	0	0
- Parks Impacted	0	0
- Cemeteries Impacted	0	0
- Schools Impacted	0	0
- Environmental Justice ^a	No Impacts	No Impacts
- Section 4(f) Resources	0	0
- Access to Private Land (Change) ^a	No Impacts	Minimal Impacts
- Business Relocations (#)	0	0
Cultural Resources		
-Historical Resources (# of eligible in APE)	0	0
-Archeological Sites (# of eligible in APE)	0	0
Aesthetic & Visual Quality Impacts		
-Aesthetic & Visual Quality Impacts ^a	No Impacts	No Impacts
Waters of the U.S.		
- Water Quality ^a	No Impacts	No Impacts
- Wetlands (# of acres)	0	0
- Permits (# required)	0	1 ^b
- Floodplains (# of crossings)	0	0
- Canal Crossings	0	0
Physical Resources		
- Topography ^a	No Impacts	Minimal Impacts
Biotic Resources		
- Plant Communities ^a	No Impacts	Minimal Impacts
- Terrestrial Wildlife ^a	No Impacts	Minimal Impacts

**CBP Checkpoint
IH-35 Mile Marker 29**

**Supplemental
Environmental Assessment**

Resources	No-Build	Build Alternative
- Invasive Species and Beneficial Landscapes ^a	No Impacts	No Impacts
- Threatened and Endangered Species (# of species)	0	3 ^c
Hazardous Materials		
-Hazardous Materials Sites (#)	0	0

^a The following scale was used for this section: no impact, minimal impact, moderate impact, severe impact, improved impact.

^b A Notice of Intent would be required in accordance with TPDES General Permit requirements.

^c The reticulate collared lizard, Texas tortoise, and Texas horned lizard are state-listed as threatened. Habitat for these species exists adjacent to the project area. Coordination will be initiated with the TPWD.

Chapter 4: Recommendation of the Preferred Alternative

A. Identification and Rationale for the Preferred Alternative

A.1 Preferred Alternative

The Build Alternative is the recommended Preferred Alternative.

A.2 Support Rationale

The Build Alternative was chosen as the Preferred Alternative because it meets the project purpose and need, principal design requirements, desired design benefits, and environmental protection and enhancement requirements. In addition, it would have no substantial environmental impact.

B. Mitigation and Monitoring Commitments

There are several issues discussed in this EA that require additional mitigation, or monitoring commitments. These issues are discussed below.

In accordance with the Executive Memorandum of August 10, 1995, the USACE will comply with NEPA as it relates to vegetation management and landscape practices for all federally assisted projects. In accordance with the Invasive Species Executive Order 13112 of February 3, 1999, the USACE will prevent the introduction of all invasive alien species into the U.S. for this facility.

Provisions for waste materials and storage, storm water management measures, and appropriate road maintenance measures along with, TPDES procedures, and TxDOT's *Best Management Practices and Sedimentation Control Guidelines* must be followed during construction. An erosion and sedimentation control plan and a *SW3P* will be developed for the project and adhered to during construction. The project will require that a NOI is filed with the TCEQ since it will affect approximately eight acres.

When construction is completed, disturbed areas will be restored and re-seeded according to the TxDOT specification "*Seeding for Erosion Control*."

Although no direct impacts to migratory bird species, or their habitat, are expected with the implementation of the proposed project, measures to minimize any impacts to potential habitat would be implemented to avoid any harm to migratory birds, including scheduling construction outside of the breeding season.

**CBP Checkpoint
IH-35 Mile Marker 29**

Supplemental
Environmental Assessment

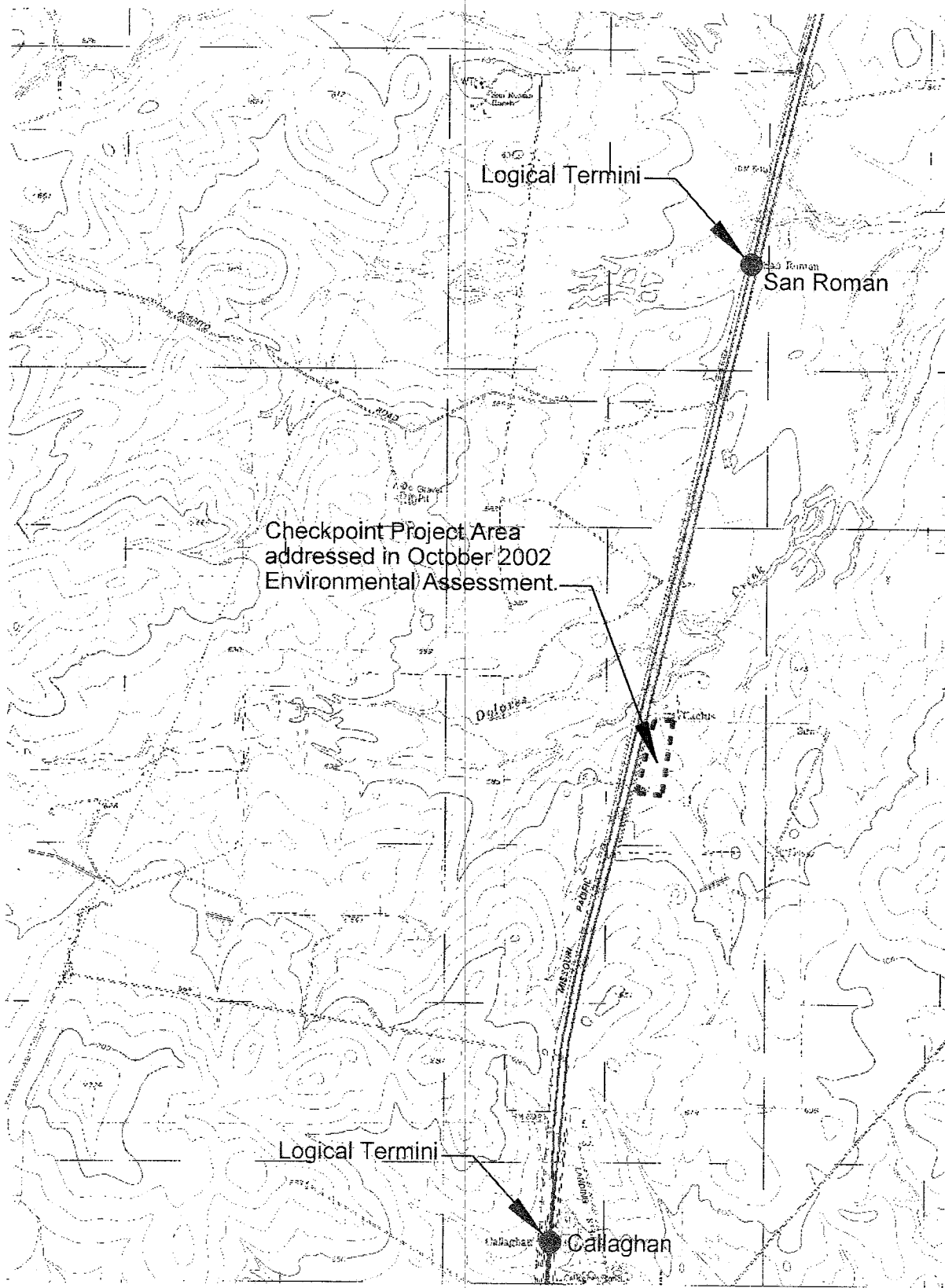
The Build Alternative is not expected to impact any potential hazardous material sites. Any unanticipated hazardous materials or contamination that may be encountered during the construction phase of the facility would be managed in accordance with federal and state regulations, as per TxDOT Standard Specifications.

Measures to control dust will be considered and incorporated into the final design and construction specifications.

Provisions will be included in the plans and specifications that require the contractor to make every reasonable effort to minimize construction noise through abatement measures such as work-hour controls and proper muffler system maintenance.

C. Recommendation(s): Significance Determination, Alternative Selection, FONSI

The studies and evaluations performed thus far in the project planning indicate the proposed project causes insignificant social, economic, and environmental effects and a FONSI is anticipated.



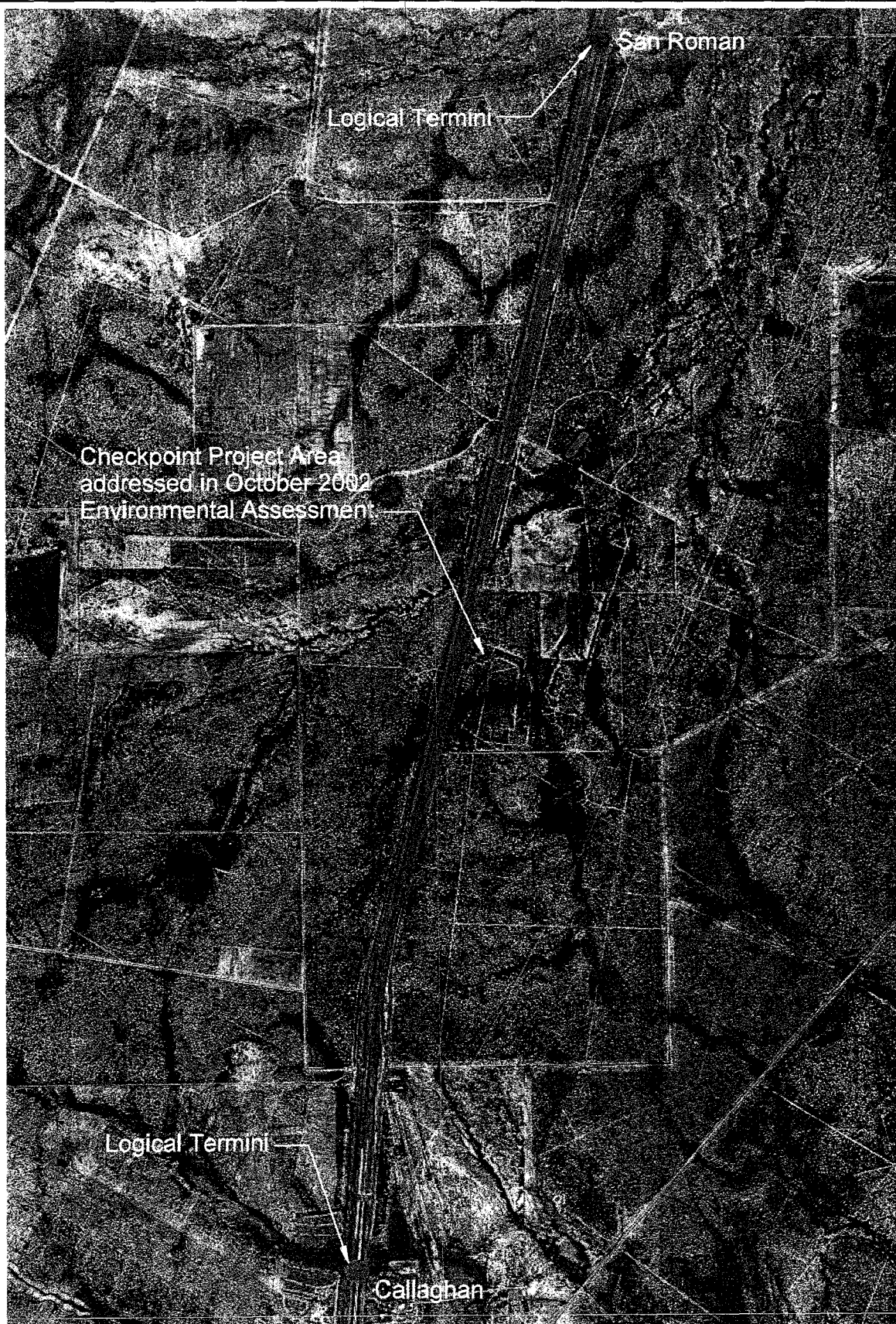
Callaghan Ranch North Quad

U.S. Custom & Border Protection Checkpoint
 @ IH-35 Mile Marker 29
 Laredo, Webb County, Texas

Location Map

Figure No.

1

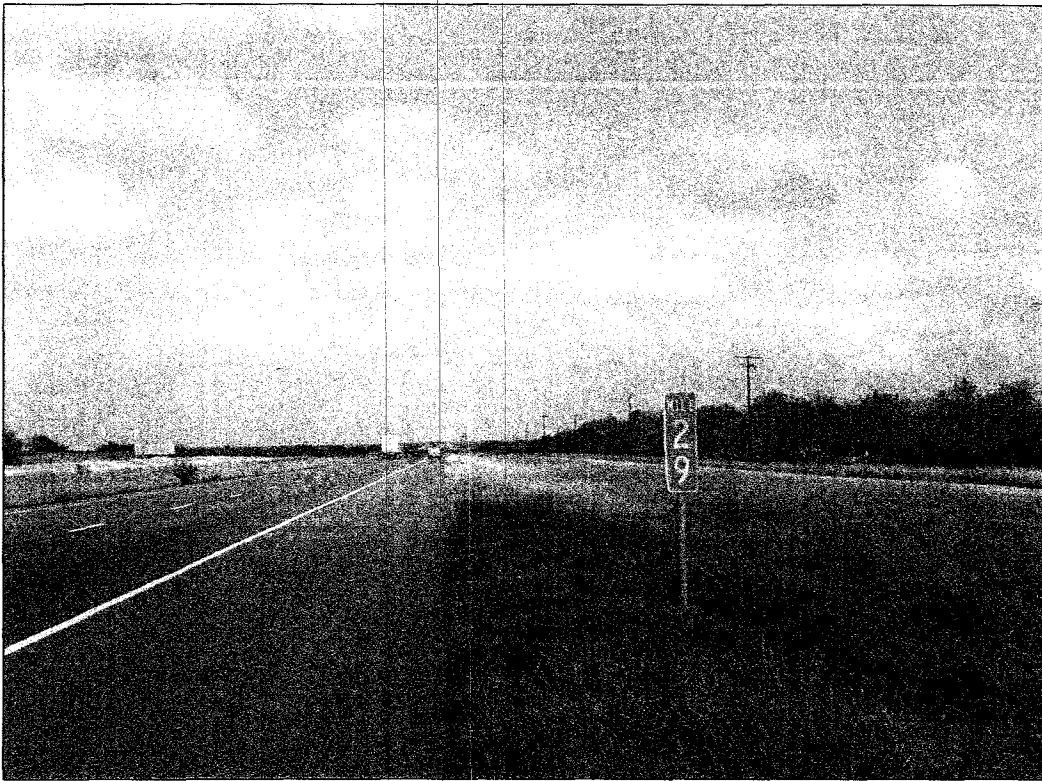


U.S. Customs & Border Protection Checkpoint
@ IH-35 Mile Marker 29
Laredo, Webb County, Texas

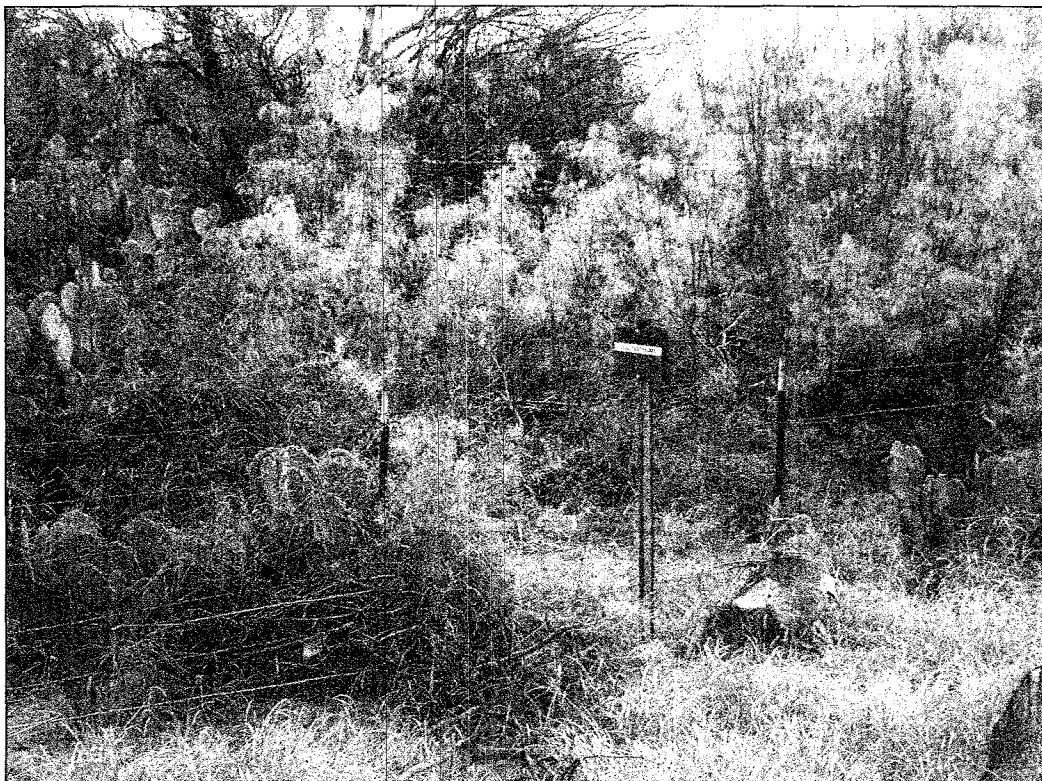
Aerial Photograph

Figure No.

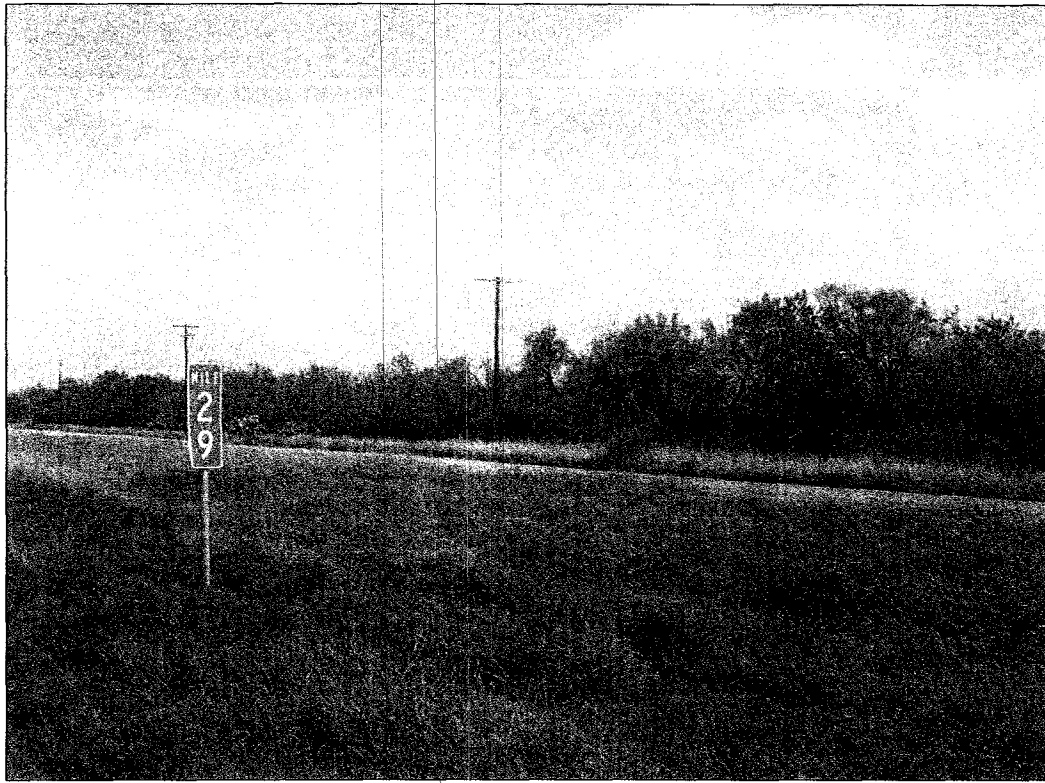
2



North bound I-35 and two-way frontage road. View of the overall project area showing representative vegetation and land use within the TxDOT right-of-way.



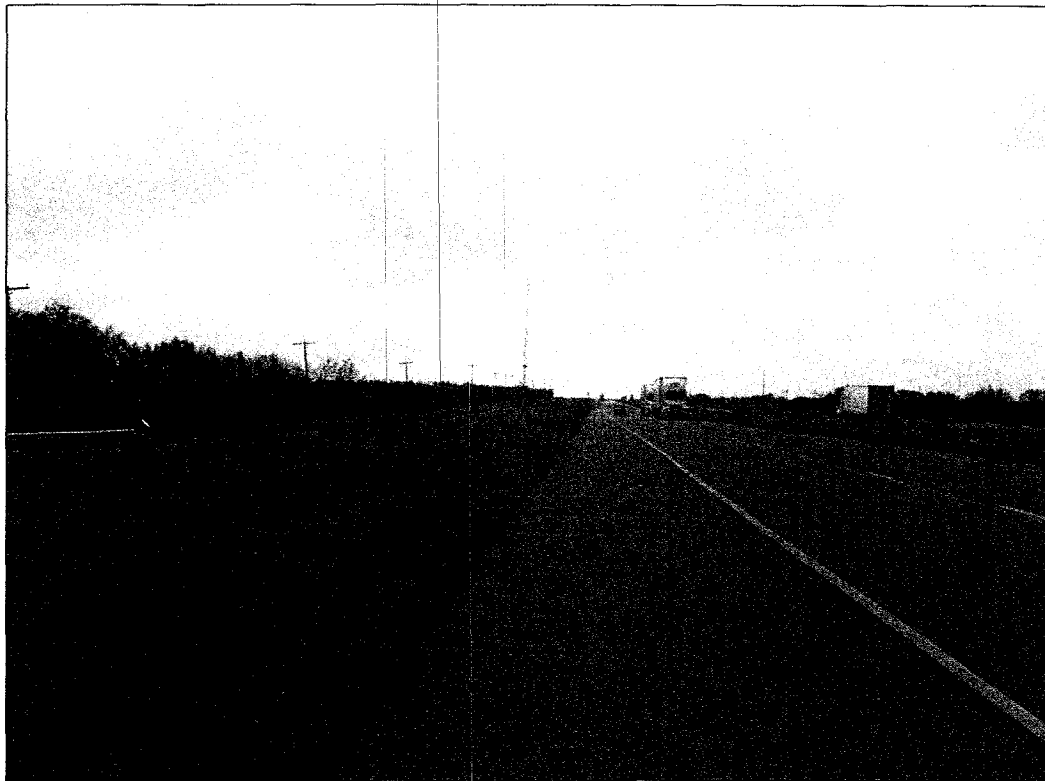
Representative vegetation and land use adjacent to the TxDOT right-of-way.



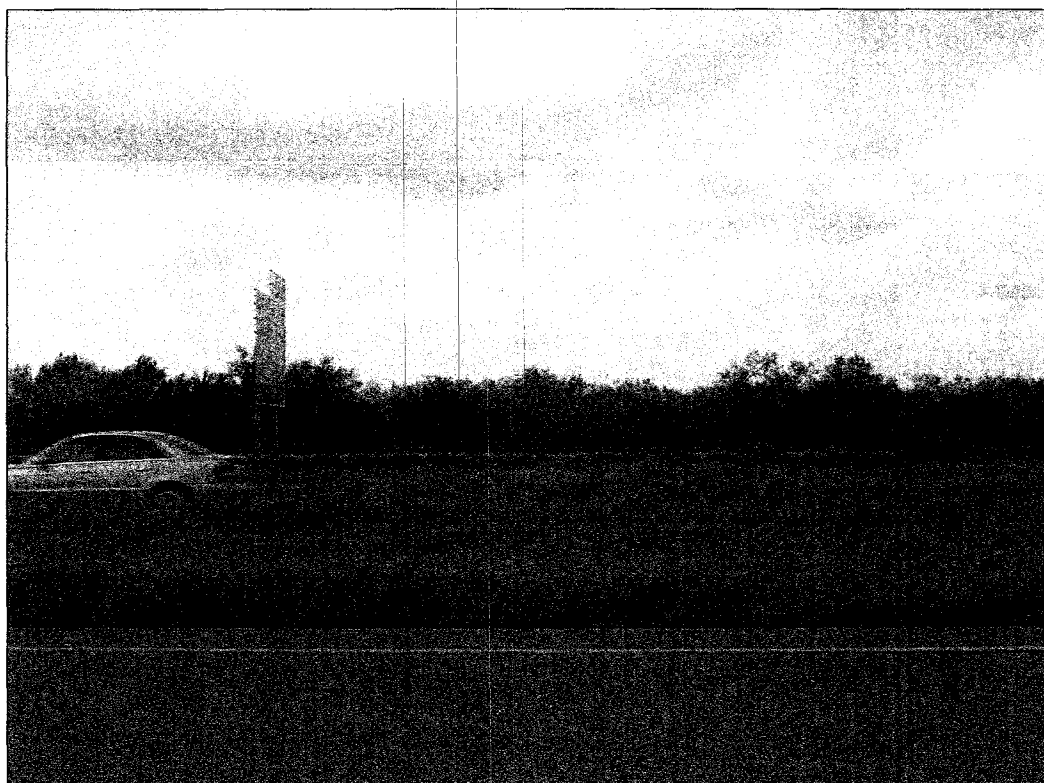
Northeast bound view of the proposed placement of a ramp exiting I-35 into the border checkpoint.



Southeast bound view of the proposed placement of a ramp exiting I-35 into the border checkpoint.



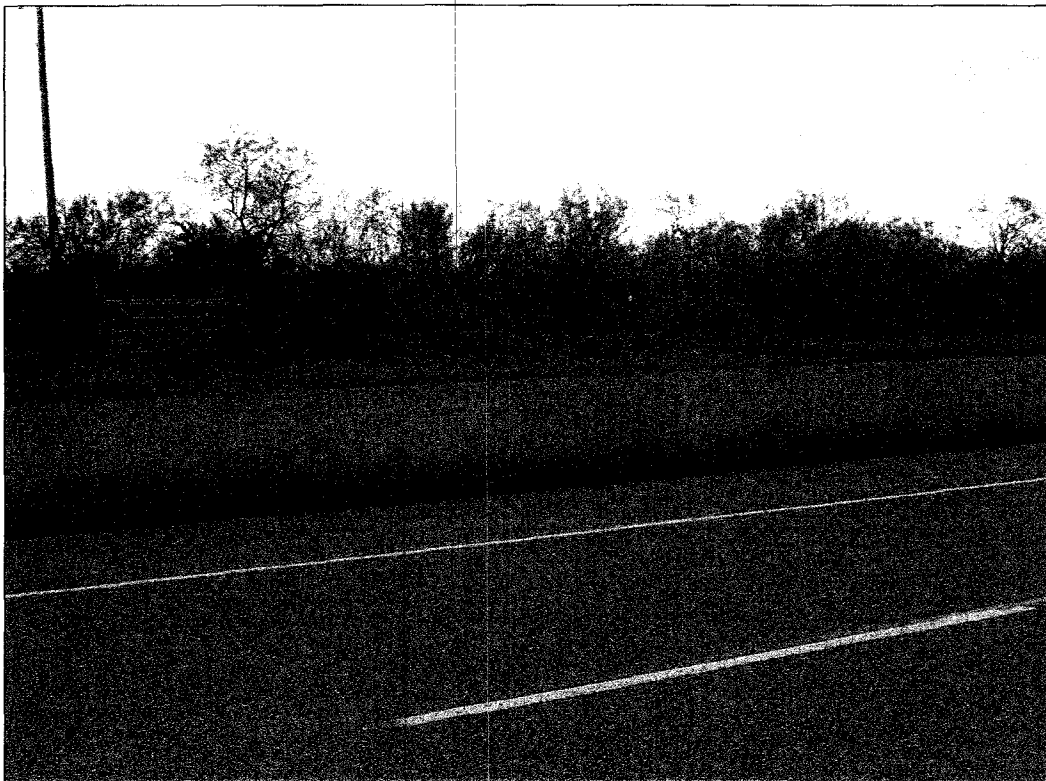
South bound view of the proposed placement of a ramp exiting I-35 into the border checkpoint.



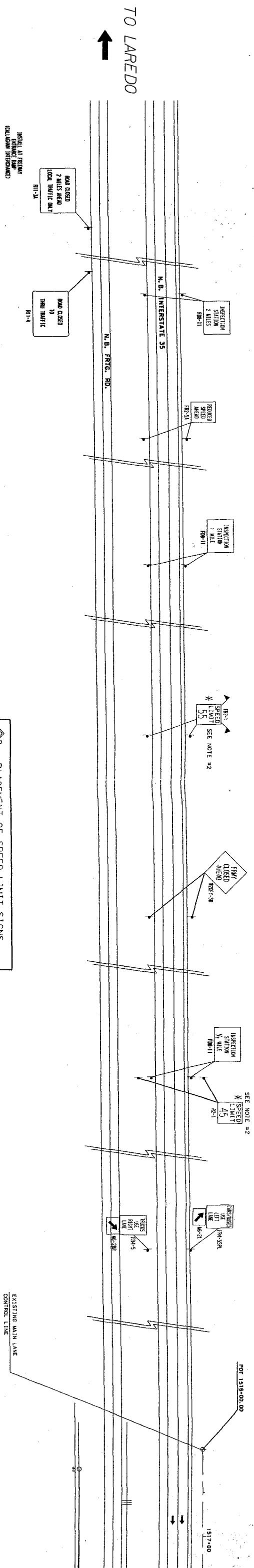
West bound view across I-35 from the proposed checkpoint showing the land use in the area adjacent to the project.



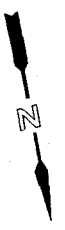
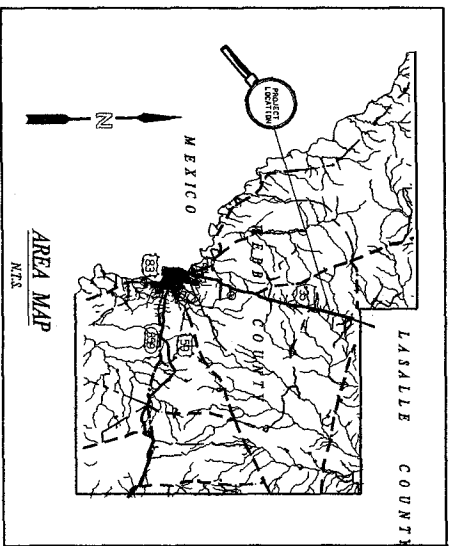
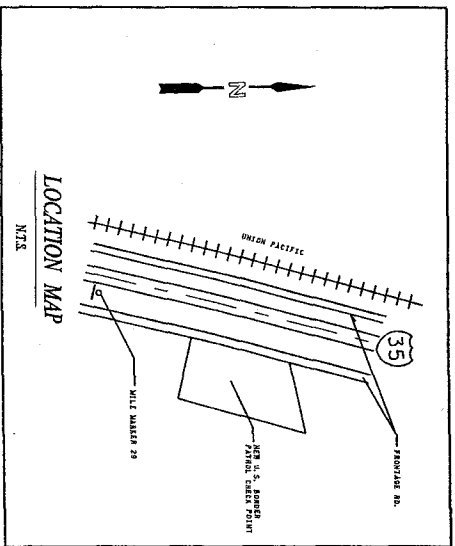
North bound view of the proposed placement of a ramp reentering I-35 from the border checkpoint. Access to the driveway shown at the edge of the photograph would remain with the implementation of the proposed project.



Southeast bound view of the proposed placement of a ramp reentering I-35 from the border checkpoint. Access to the driveway shown at the edge of the photograph would remain with implementation of the proposed project.



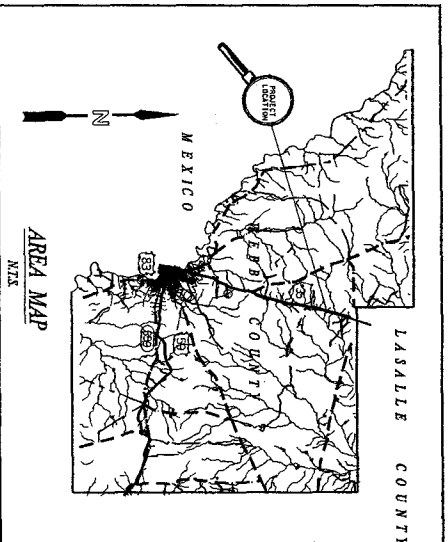
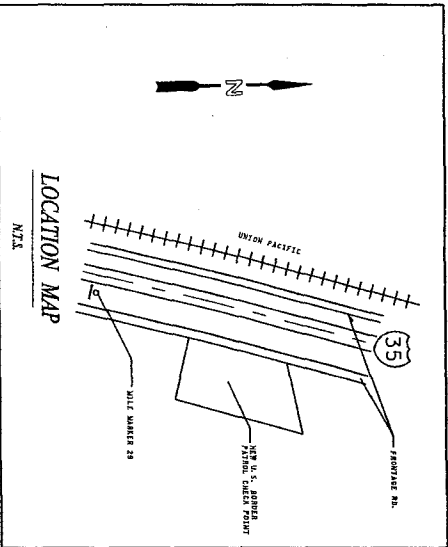
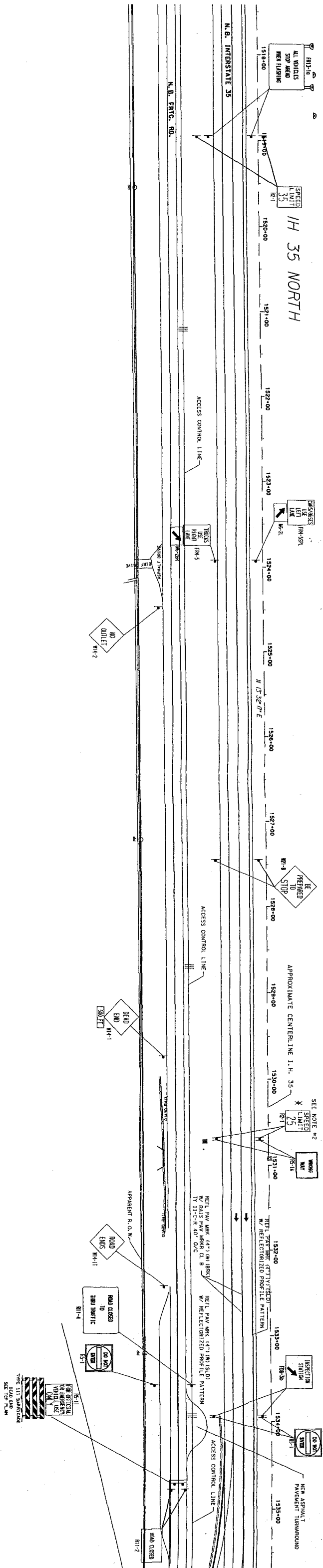
2. PLACEMENT OF SPEED LIMIT SIGNS WITHIN TxDOT R.O.W. SHALL BE VERIFIED BY SPEED STUDY.



U.S. Customs & Border Protection Checkpoint
@ I-35 Mile Marker 29
Laredo, Webb County, Texas

Plan Design
Sheet 1 of 4

Figure No.
7

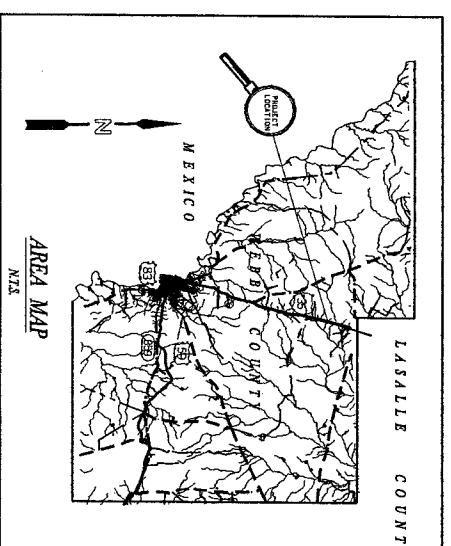
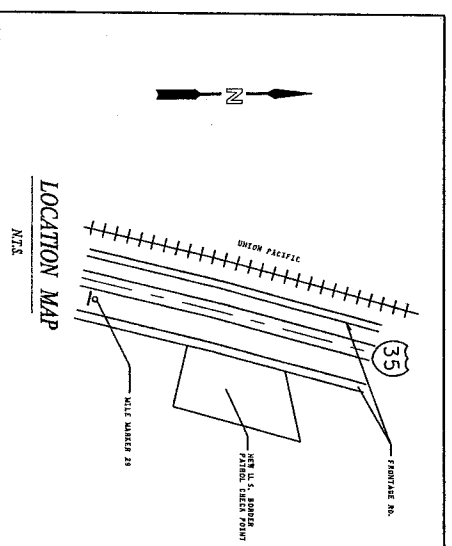
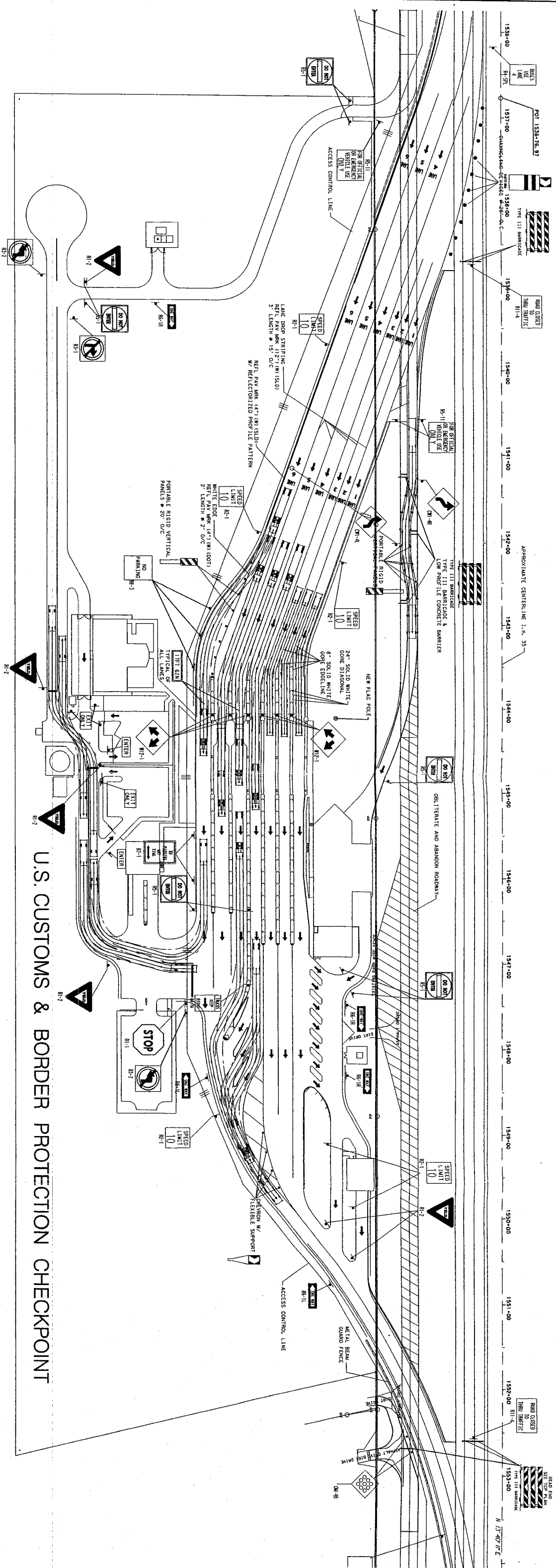


U.S. Customs & Border Protection Checkpoint
@ I-35 Mile Marker 29
Laredo, Webb County, Texas

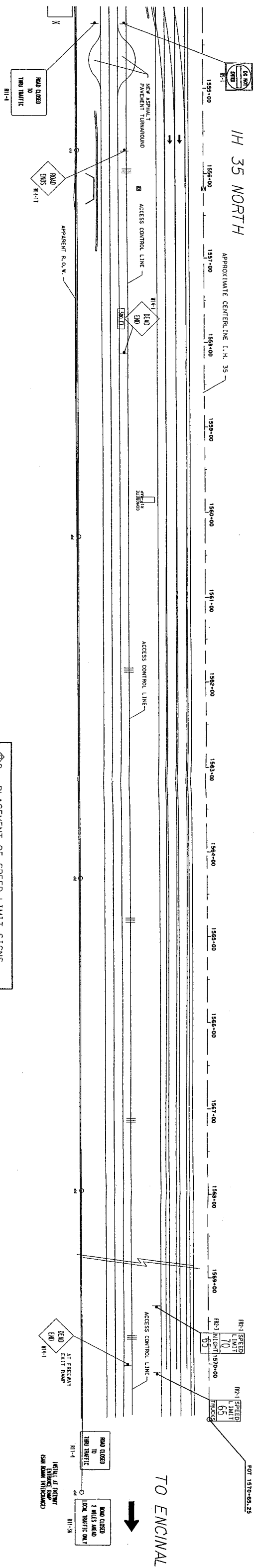
Plan Design
Sheet 2 of 4

Figure No.

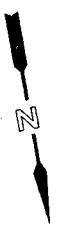
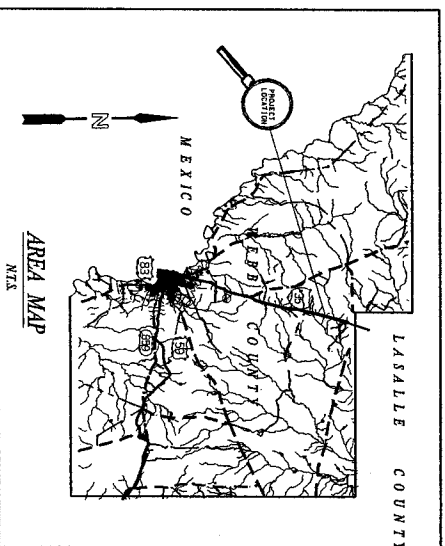
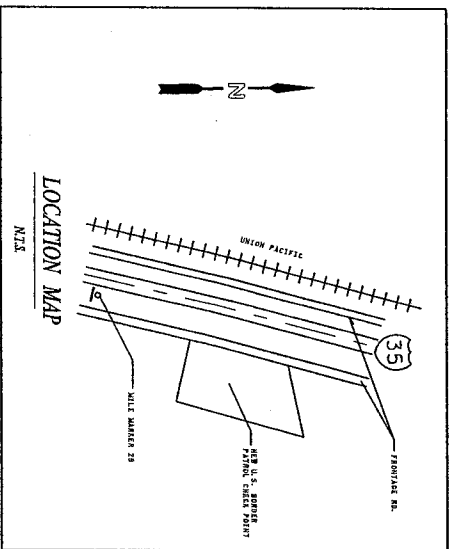
8



U.S. Customs & Border Protection Checkpoint
@ I-35 Mile Marker 29
Laredo, Webb County, Texas



2. PLACEMENT OF SPEED LIMIT SIGNS WITHIN TxDOT R.O.W. SHALL BE VERIFIED BY SPEED STUDY.



U.S. Customs & Border Protection Checkpoint
@ I-35 Mile Marker 29
Laredo, Webb County, Texas

Plan Design
Sheet 4 of 4

Figure No.
10

Appendix A

Comments and Coordination Letters



TEXAS
HISTORICAL
COMMISSION

The State Agency for Historic Preservation

RICK PERRY, GOVERNOR

JOHN L. NAU, III, CHAIRMAN

F. LAWRENCE OAKS, EXECUTIVE DIRECTOR

28 June 2002

William Fickel, Jr.
Chief, Planning, Environmental
and Regulatory Division
Dept. of the Army
Ft. Worth District, Corps of Engineers
P.O. Box 17300
Fort Worth, Texas 76102-0300

Re: Project review under Section 106 of the National Historic Preservation Act of 1966, Draft Report:
*Draft Cultural Resource Survey of a Proposed Border Patrol Checkpoint Station and NRHP Eligibility
Testing Report of Site 41WB612, Webb County, Texas near Laredo, Texas* (COE)

Dear Chief Fickel:

Thank you for your correspondence describing the above referenced project. This letter serves as comment on the proposed undertaking from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission.

The review staff, led by Debra L. Beene, has completed its review. We concur that Site 41WB612 is not eligible for inclusion in the National Register of Historic Places. However, we do not concur with the supporting statements leading to this determination; the features did not wash in and activity areas are represented. However, the site is not considered eligible due to the paucity of artifacts and the surficial nature of the features, which lack datable materials or preserved organics. The site does not have research potential and the proposed project should not have an effect on historic properties; therefore, the project should proceed without further consultation with this office. Specific comments on the draft report will be submitted under separate cover; please have the author incorporate these comments into the revised draft report prior to submitting to our office.

We look forward to further consultation with your office and hope to maintain a partnership that will foster effective historic preservation. Thank you for your assistance in this federal review process, and for your efforts to preserve the irreplaceable heritage of Texas. **If you have any questions concerning our review or if we can be of further assistance, please contact Debra L. Beene at 512/463-5865.**

Sincerely,

for
F. Lawrence Oaks, State Historic Preservation Officer

cc: Patience Patterson, Cultural Resource Section, Ft. Worth District COE
Mindy Bonine, Ecological Communications Corporation, Austin

FLO/dlb



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300, 819 TAYLOR STREET
FORT WORTH, TEXAS 76102-0300

7 AUGUST, 2003

Planning, Environmental and Regulatory Division

PUBLIC NOTICE

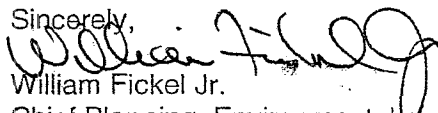
ENVIRONMENTAL ASSESSMENT FOR PROPOSED CONSTRUCTION OF BORDER PATROL CHECKPOINT AT I-35 MILE MARKER 29. LAREDO, WEBB COUNTY, TEXAS

Acting as an agent for the Department of Homeland Security (DHS), the Fort Worth District, US Army Corps of Engineers (USACE), prepared and circulated for review an Environmental Assessment (EA) describing potential impacts of the proposed construction of a vehicle checkpoint at mile marker 29 on I-35 north of Laredo, Texas. Following opportunity for public comment and coordination with Federal and State agencies, a Finding of No Significant Impact (FONSI) was signed at Headquarters, DHS, on June 26, 2002. This process was conducted in full compliance with the National Environmental Policy Act (Public Law 91-190) and the President's Council on Environmental Quality regulations (40 CFR 1500-1508).

Subsequent comments were received from the Texas Department of Transportation, which resulted in clarification of some language contained in the EA. A revised EA was prepared for TXDOT in April 2003 that included these clarifications. No significant changes in the content of the original EA were made that would suggest a need to modify the conclusions of the EA or the original FONSI decision. This public notice was prepared to inform the public of the revised EA and offer the public opportunity to request a public meeting regarding revisions therein. Copies of the revised EA will be made available upon request.

Please address any requests or concerns to Mr. Mark Doles of my staff. He may be reached at 817-886-1693.

Sincerely,


William Fickel Jr.

Chief Planning, Environmental and Regulatory Division

LAREDO MORNING TIMES
P.O. BOX 2129
LAREDO, TEXAS 78041

STATE OF TEXAS
COUNTY OF WEBB

Before me, the undersigned authority, on this day personally appeared Jesus Santillano who on his/her oath states.

I am the BOOKKEEPING CLERK of the LAREDO MORNING TIMES, a newspaper published in Webb County, Texas, and knows the facts stated in this affidavit

Advertisement for ACCT: 084991001 U. S. ARMY CORPS OF ENGINEER INV# 251396001 L-48 appeared in the LAREDO MORNING TIMES on the following dates:

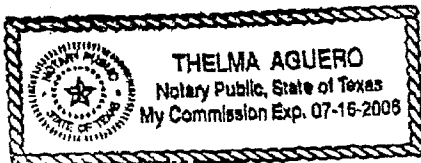
08-21-2003 08-24-2003

The charge for such publication being \$545.05

Jesus A. Santillano
Jesus Santillano

Subscribed and sworn to before me this 25th day of August 2003

Thelma Aguero
Notary public, Webb County, Texas





REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300, 819 TAYLOR STREET
FORT WORTH, TEXAS 76102-0300

November 19, 2003

Planning, Environmental and Regulatory Division

SUBJECT: Supplemental Cultural Resources Survey for US Border Patrol Checkpoint Station,
Laredo Texas

Dr. Nancy Kenmotsu
Texas Department of Transportation
125 East 11th Street
Austin, Texas 78701-2483

Dear Dr. Kenmotsu:

In comments received via email dated May 28, 2003 from Kyle Ford, your office requested further investigation into possible historic structures and improvements that may be impacted by the project mentioned above. Enclosed is a copy of the survey report performed within a one half mile radius of the proposed checkpoint station construction area, including an archaeological survey of the proposed access roads to and from the station.

Given the findings presented in the report and in accordance with 36 CFR Part 800.4(d)(1), the U.S. Army Corps of Engineers (USACE), Fort Worth District has determined there will be no historic properties affected.

The Supplemental EA concerning this project will be sent to you under separate cover. If you have any questions or comments, please feel free to contact Ms. Nancy Parrish at (817) 886-1725.

Sincerely,

A handwritten signature in black ink, appearing to read "William Fickel, Jr.", is written over the typed name.

William Fickel, Jr.
Chief, Planning, Environmental
and Regulatory Division

Enclosure



December 19, 2003

Mr. Mark Doles
U.S. Army Corps of Engineers
P.O. Box 17300
Fort Worth, TX 76102-0300

Dear Mr. Doles:

As you know, there will be modifications to the current operations on IH 35 in the area of the proposed IH 35 Border Patrol Checkpoint in Webb County as a result of the proposed project. In light of this fact and the environmental document and supplemental information dated November 2003, submitted to the Texas Department of Transportation as well as the severance of the frontage roads at this location, we feel it is prudent to schedule a public hearing. Scheduling a public hearing will enable the general public to review the changes and make comments.

Therefore, we respectfully request a public hearing on the proposed IH 35 North Border Patrol Checkpoint be held in accordance with federal guidelines for this type of public hearing. If you have any questions, please contact Melisa Montemayor at 956-712-7456 or me at 956-712-7405.

Sincerely,

Luis A. Ramirez, P.E.
District Engineer

LAR/df

cc: Carlos G. Rodriguez, P.E.

Route: Jo Ann E. Garcia, P.E.
Rosa E. Treviño, P.E.
Melisa Montemayor



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300, 819 TAYLOR STREET
FORT WORTH, TEXAS 76102-0300

January 5, 2004

Planning, Environmental and Regulatory Division

SUBJECT: Department of Homeland Security (DHS) and Office of Border Patrol (OBP), Laredo District, proposed construction of a Border Patrol Checkpoint on Interstate 35 near Laredo, Texas

Honorable Johnny C. Wauqua, Chairman
ATTN: Mr. Jimmy Arterberry
Comanche Tribe
HC 32-Box 1720
Lawton, OK 73502

Dear Chairman Wauqua:

In accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800.3, the Fort Worth District of the US Army Corps of Engineers, acting on behalf of the DHS and the OBP, is notifying you of the proposed project mentioned above and requesting your comments.

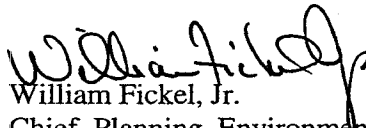
This project consists of construction, and operation of a new traffic checkpoint on a 15-acre tract of land parallel to the northbound lanes of IH35. The checkpoint would divert all northbound traffic via newly constructed ingress and egress roads between the interstate and the checkpoint. Signs and streetlights will be posted along both sides of the northbound lanes to alert drivers of the checkpoint and to direct traffic flow into and out of the checkpoint. All signs, lights and access roads will be constructed within the current interstate right of way. The 15-acre tract of land on which the checkpoint will be constructed has been surveyed for archaeological resources (see enclosed report).

In accordance with 36 CFR Part 800.4(d)(1), we have determined that the proposed construction of the checkpoint, access roads and signage will have no effect upon any historic properties. We have asked for SHPO concurrence with our determination of no effect. If, as stated in Part 800.4(d)(1), we have not heard from the SHPO in thirty (30) days of receipt of this request, we will assume concurrence and our Section 106 responsibilities regarding this proposed project will be fulfilled. We wish to afford you an opportunity to comment on this undertaking and have enclosed a copy of the report from the cultural resources investigation of the property.

Should there be any Traditional Cultural Places or Sacred Places in this area, we would appreciate information on these spaces.

Thank you for your assistance, we look forward to hearing from you concerning this proposed project within the next 30 days. If we do not hear from you, we will assume you have no objections to the project as planned. Should you require further information, please contact Ms. Nancy Parrish of my office at (817) 886-1725.

Sincerely,


William Fickel, Jr.
Chief, Planning, Environmental
and Regulatory Division

Enclosures

Copy furnished with enclosures:

Honorable Raul Garza, Chairman
Kickapoo Traditional Tribe of Texas
HC1-Box 9700
Eagle Pass, TX 78853-0972

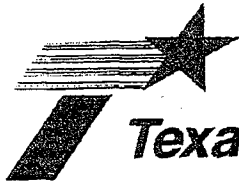
Honorable Sara Misquez, President
Attn: Ms Holly Houghten
Cultural Affairs Office
Mescalero Apache Tribe
124 Chiricahua Plaza
Mescalero, NM 88340

Honorable Earl Yeahquo, Chairman
Kiowa Tribe of Oklahoma
P.O. Box 369
Carnegie, OK 73015

Copy Furnished without enclosures

Dr. Nancy Kenmotsu
Texas Department of Transportation
125 East 11th Street
Austin, Texas 78701-2483

Ms Karen Coopersmith
Arcadis
11490 Westheimer, Ste. 600
Houston, TX 77007



Texas Department of Transportation

DEWITT C. GREER STATE HIGHWAY BLDG. • 125 E. 11TH STREET • AUSTIN, TEXAS 78701-2483 • (512) 463-8585

January 16, 2003

Environmental Assessment
Webb County
CSJ 1111-03-004

RECEIVED ON

JAN 16 2004
TEXAS DIVISION
FHWA

U.S. Customs and Border Protection Checkpoint at IH 35 Mile Marker 29

Mr. C.D. Reagan
Division Administrator
Federal Highway Administration
Austin, Texas 78701

Dear Mr. Reagan:

Attached is one copy of the revised environmental assessment (EA) covering the above-described location of IH 35 for your review and approval. The cover letters of the EA have been revised per your request. Additional revisions to discussions of archeology are on pp. 1-3 and 1-8. A comment/response report detailing these revisions is attached.

Coordination with the State Historical Preservation Officer (SHPO) for historic structures and archeology has been initiated. Coordination with Native American tribes has been initiated as well. Letters to the SHPO and the tribes are attached. Additional coordination with the Texas Parks and Wildlife Department (TPWD) has also been initiated. Letters to the TPWD are attached. All coordination would be completed prior to the public hearing and would be made available to the public. We will forward all evidence of completed coordination to your office upon receipt.

At this time, the U.S. Army Corps of Engineers (USACE) would like to proceed with publication for the public hearing. Should any revisions be required, the USACE would revise the EA as necessary.

Your concurrence is requested that this project is satisfactory for further processing.

Sincerely,

Ann M. Irwin
Deputy Director
Environmental Affairs Division

Attachments

Satisfactory for Further Processing FHWA:

Date:

1/20/04

An Equal Opportunity Employer



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

20 January 2004

Planning, Environmental, and Regulatory Division

**NOTICE OF A PUBLIC HEARING
U.S. ARMY CORPS OF ENGINEERS, FORT WORTH DISTRICT**

Proposed Construction of a Border Patrol Checkpoint along Interstate 35 at Mile Marker 29

On behalf of the U.S. Customs and Border Protection (CBP) in cooperation with the Texas Department of Transportation (TXDOT), the U.S. Army Corps of Engineers, Fort Worth District (USACE) will hold a public hearing to address any concerns from the public regarding the proposed checkpoint along I-35 at mile marker 29 north of Laredo, Webb County Texas. USACE has prepared a Supplemental Environmental Assessment (SEA) that assesses potential impacts to the environment that may result from the proposed construction of the ingress and egress ramps between the checkpoint and the main lanes of I-35 and appurtenances within the existing TXDOT right-of-way. This SEA is a supplement to the original 2002 EA, *Environmental Assessment for the Construction of USBP Checkpoint, Laredo, TX*, which addressed impacts of the checkpoint facility within the boundaries of the 15-acre property adjacent to I-35.

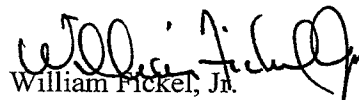
The public hearing will be held on February 19, 2004 at 7:00 PM at the Holiday Inn Civic Center, 800 Garden St., Laredo. All interested citizens are invited to attend this hearing. Persons interested in attending the hearing that have special communication or accommodation needs are encouraged to contact Mark Doles at (817) 886-1693 at least four days prior to the hearing. Because the public hearing will be conducted in English, any requests for language interpreters or other special communication needs should also be made at least four days prior to the public hearing. USACE will make every reasonable effort to accommodate these needs.

Verbal and written comments from the public regarding this project are requested. Comments may be presented either at the hearing or in writing after the hearing. Written statements and other exhibits may be mailed to Mark Doles at the address below. Comments must be received no later than the 29th of February, 2004 in order to be included in the public hearing record.

The proposed project will consist of a six-lane checkpoint facility that will require all northbound traffic to stop for inspection. While the facility will be constructed near mile marker 29, signage and lighting will be placed along the highway right-of-way between the Callaghan interchange at approximately mile marker 28 and the San Roman interchange at mile marker 32. No displacements of the existing right of way or relocation of residences or businesses are proposed. Although access to private land east of the interstate will be maintained via the existing frontage road, construction and operation of the checkpoint will require the east frontage road to dead end immediately north and south of the proposed checkpoint. A description, diagram, tentative construction schedule and location maps of the proposed facility are available in the SEA at the locations listed below.

Implementation of the proposed action is not expected cause significant adverse impacts on the human and natural environment. Based on surveys and assessments performed in the project area and area of potential effect, significant adverse impacts to the cultural resources within the proposed project area are not anticipated.

Copies of the SEA are available upon request or may be reviewed at the Laredo Public library; 707 E. College St., on the web at <http://www.swf.usace.army.mil> or Att: Mark Doles, Planning, Environmental, and Regulatory Division, U.S. Army Corps of Engineers, P.O. Box 17300, 819 Taylor Street, Fort Worth, Texas 76102-0300. For further information, contact Mark Doles at (817) 886-1693.



William Fickel, Jr.
Chief, Planning, Environmental, and
Regulatory Division

Enclosure

Proposed Border Patrol Checkpoint

0.01 0.025 0.05 0.075 0.1 Miles

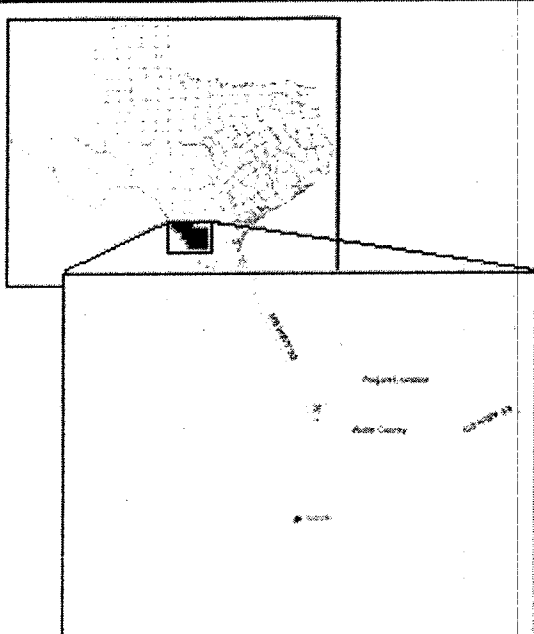
Legend

- Construction Area
- Project Area
- Checkpoint



Limited construction for placement of highway signs and streetlights on both sides of northbound lane and frontage road from checkpoint to San Roman Interchange approx. 2.5 miles.

Construction area for Ingress and egress ramps within the highway right of way.



Limited construction for placement of highway signs and streetlights on both sides of northbound lane and frontage road from checkpoint to Callaghan interchange approx. 1 mile.

Attn: Mr. Anderson

2983 Legal 41 1/26/04 3:01 PM Page 1



US Army Corps of Engineers To Hold Public Meeting February 19, 2004

On behalf of the U.S. Customs and Border Protection (CBP) in cooperation with the Texas Department of Transportation (TXDOT), the U.S. Army Corps of Engineers, Fort Worth District (USACE) will hold a public hearing to address any concerns from the public regarding the proposed checkpoint along I-35 at mile marker 29 north of Laredo, Webb County Texas. USACE has prepared a Supplemental Environmental Assessment (SEA) that assesses potential impacts to the environment that may result from the proposed construction of the ingress and egress ramps between the checkpoint and the main lanes of I-35 and appurtenances within the existing TXDOT right-of-way. This SEA is a supplement to the original 2002 EA, Environmental Assessment for the Construction of USBP Checkpoint, Laredo, TX, which addressed impacts of the checkpoint facility within the boundaries of the 15-acre property adjacent to I-35.

The meeting will be: **Thursday, February 19th, 2004, at the Holiday Inn Civic Center, 800 Garden Street, Laredo, Texas (956)-727-5800.**

Sign-in for the meeting will begin at 6:30 p.m. with the meeting scheduled to start at 7:00 p.m.

All interested citizens are invited to attend this hearing. Persons interested in attending the hearing that have special communication or accommodation needs are encouraged to contact Mark Doles at (817) 886-1693 at least four days prior to the hearing. Because the public hearing will be conducted in English, any requests for language interpreters or other special communication needs should also be made at least four days prior to the public hearing. USACE will make every reasonable effort to accommodate these needs.

Verbal and written comments from the public regarding this project are requested. Comments may be presented either at the hearing or in writing after the hearing. Written statements and other exhibits may be mailed to Mark Doles at the address below. Comments must be received no later than the 15th of February, 2004 in order to be included in the public hearing record.

The proposed project will consist of a six-lane checkpoint facility that will require all northbound traffic to stop for inspection. While the facility will be constructed near mile marker 29, signage and lighting will be placed along the highway right-of-way between the Callaghan interchange at approximately mile marker 28 and the San Roman interchange at mile marker 32. No displacements of the existing right of way or relocation of residences or businesses are proposed. Although access to private land east of the interstate will be maintained via the existing frontage road, construction and operation of the checkpoint will require the east frontage road to dead end immediately north and south of the proposed checkpoint. A description, diagram, tentative construction schedule and location maps of the proposed facility are available in the SEA at the locations listed below. Implementation of the proposed action is not expected cause significant adverse impacts on the human and natural environment. Based on surveys and assessments performed in the project area and area of potential effect, significant adverse impacts to the cultural resources within the proposed project area are not anticipated.

Copies of the SEA are available upon request or may be reviewed at the Laredo Public library; 707 E. College St., on the web at <http://www.swf.usace.army.mil> or Attn: Mark Doles, Planning, Environmental, and Regulatory Division, U.S. Army Corps of Engineers, P.O. Box 17300, 819 Taylor Street, Fort Worth, Texas 76102-0300. For further information, contact Mark Doles at (817) 886-1693.

Aviso de Audiencia Publica Cuerpo de Ingenieros de los Estados Unidos, Distrito de Fort Worth

Propuesta para la construcción de una Garita de Inspección de la Patrulla Fronteriza en la Autopista Inter-estatal 35 Milla #29.

De parte de (CBP) U.S. Customs and Border Protection en cooperación con el Departamento de Transportación de el estado de Texas (TXDOT), y el Cuerpo de Ingenieros del Ejercito de los Estados Unidos, Distrito de Fort Worth (USACE) se estara ofreciendo, audiencia publica para conocer la opinion de el publico sobre la construcción de la Garita de Inspección en la Autopista-35, milla #29 en Laredo, Texas, Condado de WEBB. El cuerpo de ingenieros (USACE) a preparado una evaluación ambiental sobre posibles impactos ambientales que podrian resultar por la construcción de las rampas de acceso y salida a la Garita de Inspección. Esta evaluación ambiental es un suplemento de la evaluación original (2002 EA, Environmental Assessment for the construction of the USBP Checkpoint, Laredo, TX). Esta evaluara impactos ambientales de las facilidades a construirse entre la propiedad adyacentes (15 acres) al la autopista 35.

La vista pública se llevara a cabo el 19 de febrero de 2004 a las 7 p.m. en el Holiday Inn del Centro Civico, calle Garden #800, Laredo. Todos los ciudadanos interesados estan invitados a asistir a esta vista. Las personas interesadas en asistir que tienen necesidades especiales de comunicación o alojamiento deben contactar a Mark Doles al numero telefonico, (817) 886-1693 por lo menos cuatro días antes de la vista. Porque la vista pública se conducirá en inglés, cualquiera puede solicitar intérprete de idioma u otras necesidades especiales de comunicación. Este pedido debe ser hecho también por lo menos cuatro días antes de la vista pública. USACE hará todo el esfuerzo razonable para acomodar estas necesidades.

Se solicitan comentarios verbales y escritos tocante a este proyecto publico. Los comentarios se pueden presentar en la vista o se pueden escribir después de la vista. Las declaraciones escritas y otras exhibiciones se pueden enviar a Mark Doles en la dirección abajo. Los comentarios se deben recibir no mas tarde de el 15 de febrero, 2004 para poder ser incluidos en el registro de vista de publica.

El proyecto consistira en una garita de inspección de seis carriles. Por esta garita pasará y será inspeccionado todo el trafico viajando hacia el norte. Esta facilidad será construida cerca de la milla 29. Señales de transito e iluminación se colocaran a lo largo de la carretera entre las intersecciones de Callaghan y San Roman, aproximadamente entre las millas 28 y 32 de la autopista inter-estatal 35. Desplazamiento de rampas de acceso, casas o negocios no estan propuestas. Aunque el acceso a propiedad privada al este de la autopista inter-estatal será mantenida por la calle existente. Con la construcción y operación de la garita de inspección se necesitara cerrar las calle al norte y sur de la propositada garita. Una descripción, diagrama, agenda de construcción y mapa de la facilidad propuesta estan disponibles en la SEA en las localizaciones escritas abajo.

La implementación de la acción propuesta no se espera que cause impactos adversos o significativos al ser humano o al ambiente. Basado en inspecciones y evaluaciones realizadas en el área de el proyecto no se anticipan impactos adversos a los recursos culturales dentro del área propuesta.

Las copias de la evaluación de impacto ambiental, (SEA) están disponibles para ser revisadas en la Biblioteca Publica de Laredo, Texas, ubicada en la calle College #707 o en la red cybernetica mundial (Internet) en <http://www.swf.usace.army.mil> o escribiendo a Mark Doles, Planning Environmental, and Regulatory Division, U.S. Army Corps of Engineers, P.O. Box 17300, 819 Taylor Street, Fort Worth, Texas 76102-0300. Para mas información comuníquese con el Sr. Mark Doles al telefono (817)-886-1693.

L-41



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

January 29, 2003

Planning, Environmental, and Regulatory Division

Mr. Mark Fisher
Research and Environmental Assessment Section
Water Resource Conservation Commission MC 150
12100 Park Planning and Assessment Division
Texas Natural Circle 35, Building F
P.O. Box 13087, Capitol Station
Austin, Texas 78711

Dear Mr. Fisher:

On behalf of the U.S. Customs and Border Protection (CBP), and in conjunction with Texas Department of Transportation (TXDOT), the U.S. Army Corps of Engineers, Fort Worth District (USACE) is submitting the Supplemental Environmental Assessment (SEA) for the proposed check station along I-35 at mile marker 29 north of Laredo, Webb County Texas. This SEA is a supplement to the original 2002 USACE EA, *Environmental Assessment for the Construction of USBP Checkpoint, Laredo, TX*, which addressed impacts of the checkpoint facility within the boundaries of the 15-acre property adjacent to I-35. The SEA will assess potential impacts to the environment that may result from the proposed construction of the ingress and egress ramps within the existing Texas Department of Transportation (TXDOT) right-of-way, between the check station and the mainlanes of I-35. Additionally, comments submitted by TXDOT to the original EA after its finalization will be addressed.

Based on biological and cultural surveys and assessments performed in the highly disturbed project area and area of potential effect, significant adverse impacts to the biological or cultural resources within the proposed project area are not anticipated. Implementation of the proposed action is not expected to cause significant adverse impacts on the human and natural environment.

This SEA is submitted for your review and solicits any additional comments or concerns your agency may have regarding this proposed action. Please respond with any comments or concerns within 30 days of the date of this letter. A public hearing will be held on February 19, 2004 at 7:00 PM at the Holiday Inn Civic Center, 800 Garden St., Laredo at the request of TXDOT. Please address any requests or comments to Mr. Mark Doles (817) 886-1693 of my staff. Thank you for your cooperation in this matter.

Sincerely,

William Fickel, Jr.
Chief, Planning, Environmental, and
Regulatory Division

Enclosures



DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF

December 29, 2003

Planning, Environmental, and Regulatory Division

Mr. Robert Lawrence
Office of Planning and Coordination
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue
Dallas, Texas 75202

Dear Mr. Lawrence:

On behalf of the U.S. Customs and Border Protection (CBP), the U.S. Army Corps of Engineers, Fort Worth District (USACE) is submitting the Supplemental Environmental Assessment (SEA) for the proposed check station along I-35 at mile marker 29 north of Laredo, Webb County Texas. This SEA is a supplement to the original 2002 USACE EA, *Environmental Assessment for the Construction of USBP Checkpoint, Laredo, TX*, which addressed impacts of the checkpoint facility within the boundaries of the 15-acre property adjacent to I-35. The SEA will assess potential impacts to the environment that may result from the proposed construction and operation of the ingress and egress ramps between the check station and the mainlanes of I-35 and property within the existing Texas Department of Transportation (TXDOT) right-of-way. Additionally, comments submitted by TXDOT to the original EA after its finalization will be addressed.

Implementation of the proposed action is not expected cause significant adverse impacts on the human and natural environment. Based on surveys and assessments performed in the project area and area of potential effect, significant adverse impacts to the cultural resources within the proposed project area are not anticipated.

This EA is submitted for your review and solicits any additional comments or concerns your agency may have regarding this proposed action. Please respond with any comments or concerns within 30 days of the date of this letter. Additional information regarding the proposed action is available upon request. Please address any requests or comments to Mr. Mark Doles (817) 886-1693 of my staff. Thank you for your cooperation in this matter.

Sincerely,

William Fickel, Jr.
Chief, Planning, Environmental, and
Regulatory Division

Enclosures



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

January 29, 2003

Planning, Environmental, and Regulatory Division

Allan M. Strand
Field Supervisor
U. S. Fish and Wildlife Service
C/O Texas A&M University at Corpus Christi
6300 Ocean Drive, Campus Box 338
Corpus Christi, Texas 78412

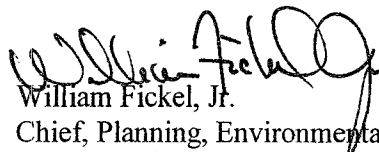
Dear Mr. Strand:

On behalf of the U.S. Customs and Border Protection (CBP), and in conjunction with Texas Department of Transportation (TXDOT), the U.S. Army Corps of Engineers, Fort Worth District (USACE) is submitting the Supplemental Environmental Assessment (SEA) for the proposed check station along I-35 at mile marker 29 north of Laredo, Webb County Texas. This SEA is a supplement to the original 2002 USACE EA, *Environmental Assessment for the Construction of USBP Checkpoint, Laredo, TX*, which addressed impacts of the checkpoint facility within the boundaries of the 15-acre property adjacent to I-35. The SEA will assess potential impacts to the environment that may result from the proposed construction of the ingress and egress ramps within the existing Texas Department of Transportation (TXDOT) right-of-way, between the check station and the mainlanes of I-35. Additionally, comments submitted by TXDOT to the original EA after its finalization will be addressed.

Based on biological and cultural surveys and assessments performed in the highly disturbed project area and area of potential effect, significant adverse impacts to the biological or cultural resources within the proposed project area are not anticipated. Implementation of the proposed action is not expected to cause significant adverse impacts on the human and natural environment.

This SEA is submitted for your review and solicits any additional comments or concerns your agency may have regarding this proposed action. Please respond with any comments or concerns within 30 days of the date of this letter. A public hearing will be held on February 19, 2004 at 7:00 PM at the Holiday Inn Civic Center, 800 Garden St., Laredo at the request of TXDOT. Please address any requests or comments to Mr. Mark Doles (817) 886-1693 of my staff. Thank you for your cooperation in this matter.

Sincerely,


William Fickel, Jr.
Chief, Planning, Environmental, and
Regulatory Division

Enclosures



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300, 819 TAYLOR STREET
FORT WORTH, TEXAS 76102-0300

December 19, 2003

Planning, Environmental and Regulatory Division

**SUBJECT: Supplemental Cultural Resources Survey for US Border Patrol Checkpoint Station,
Laredo Texas**

Mr. F. Lawrence Oaks
ATTN: Mr. William Martin
State Historic Preservation Office
Texas Historical Commission
P.O. Box 12276
Capital Station
Austin, Texas 78711

Dear Mr. Oaks:


Recently, the Corps of Engineers, Fort Worth District (the Corps), acting on behalf of the Department of Homeland Security and the Office of Border Patrol, conducted a cultural resources survey for a proposed Border Patrol Checkpoint to be located on the northbound side of Interstate Highway 35 (IH35) at mile marker 29 near Laredo, Texas. A report of the findings of this survey, dated January 2003, was submitted and a determination of no effect was issued by your office in a letter dated June 28, 2003. It has since come to our attention that this report only covered the 15-acre plot of land on which the checkpoint will be constructed, but neglected to cover the ingress and egress (access roads) connecting the checkpoint to the existing interstate.


The Texas Department of Transportation (TX DOT), has further requested that the Corps inspect a total of six miles along IH35 from the Callaghan Ranch interchange north to the San Roman interchange for cultural resources (see enclosed map). The current checkpoint design includes the placement of approximately 35 signs alerting drivers of the checkpoint and directing traffic flow to be placed within the existing right-of-way (ROW) and median on either side of the northbound lanes of IH35 between the Callaghan Ranch interchange and the access road into the checkpoint. In addition, street lights will be placed at close intervals beginning ½ mile south of the access road. Approximately 5 signs will be placed on the either side of the northbound lanes of IH35 on the north side of the checkpoint to assist drivers returning to the interstate driving lanes. Typically, signs of this type require excavation of a hole approximately 2-4 feet in diameter (depending on the type of sign or light being installed) and up to 10 feet deep. These appurtenances are commonly secured with a concrete footing. The light fixtures will require the installation of underground electrical wire within the existing ROW.

On November 10, 2003, a Corps archaeologist visited the project area to inspect the ROW parallel to the proposed checkpoint location and access road tie-in areas. A second trip is scheduled for January 7, 2004, to inspect the areas where signs and lights will be placed within the remainder of the six-mile corridor. A report of the findings of the initial visual survey of the ROW surrounding the proposed access roads is enclosed. Given the findings presented in the report and in accordance with 36 CFR Part 800.4(d)(1), the U.S. Army Corps of Engineers, Fort Worth District has determined there will be no historic properties affected by the construction of the access roads. We ask for your concurrence with this determination. Because the proposed impacts along the remaining six-mile corridor are also planned within the existing interstate ROW, we do not anticipate a threat to historic properties. A follow-up letter detailing the findings of the ROW inspection will be sent to you in January.

We intend to provide your agency with a copy of the Supplemental Environmental Assessment (EA) once it is completed. Please inform us if you do not wish to receive the SEA. Your prompt attention to this request would be greatly appreciated. If we do not hear from your office within 30 days, we will assume concurrence for the portions of the project area thus far inspected. If you have any questions, please feel free to contact Ms. Nancy Parrish at (817) 886-1725.

Sincerely,



 William Fickel, Jr.
Chief, Planning, Environmental
and Regulatory Division

Enclosure

Copy furnished to
Dr. Nancy Kenmotsu
Texas Department of Transportation
125 East 11th Street
Austin, Texas 78701-2483



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300, 819 TAYLOR STREET
FORT WORTH, TEXAS 76102-0300

us
PER-E

January 15, 2004

Planning, Environmental and Regulatory Division

SUBJECT: Supplemental Cultural Resources Survey for US Border Patrol Checkpoint Station at Mile Marker 29 on Interstate Highway 35, Laredo Texas

Mr. F. Lawrence Oaks
ATTN: MR. William Martin
State Historic Preservation Office
Texas Historical Commission
P.O. Box 12276
Capital Station
Austin, Texas 78711

Dear Mr. Oaks:

In a letter dated December 19, 2003, we informed you of our plan to conduct a survey of the right-of-way (ROW) along the northbound lanes of Interstate Highway 35 between the Callaghan Ranch and San Roman interchanges north of Laredo, TX in support of the above mentioned project. While initially reported as a six-mile corridor, the span is actually only four miles beginning at mile marker (mm) 28 and extending to mm32 (figure 1). This corridor includes areas where signs and lighting will be installed within the current interstate ROW as well as the Border Patrol Checkpoint Station ingress and egress construction areas. The ingress and egress construction areas had been previously addressed in the December 19th letter, but were revisited and included in the current survey.

Acting under Antiquities Permit TAC # 3311, an archaeologist from the Army Corps of Engineers, Fort Worth District, conducted a pedestrian survey of the four-mile corridor. Project plans do not indicate the exact locations for signs or lights, but do indicate that the majority of the fixtures (approximately 85%) will be placed south of the checkpoint ingress. For this reason, survey efforts were more intensive on the south side of the proposed checkpoint location. In total, 23 shovel tests were excavated along the ROW on the east side of the northbound lanes within the four-mile corridor; 15 between mm28 and mm30, eight between mm30 and mm32 (figure 2). Shovel tests could not be successfully advanced beyond a few centimeters in the median between the north and southbound lanes due to soil compaction. All shovel tests excavated along the four-mile corridor yielded mottled disturbed soils overlying a sandy clay substratum. Pieces of asphalt, road construction material, and modern trash including auto safety glass, paper, plastic, and bottle tops were recovered from within and around the shovel tests. No artifacts were recovered from the shovel tests and no evidence of intact archaeological deposits was detected.

Shovel tests on the southern end of the four-mile corridor were excavated to a depth between 20 and 50 centimeters below the surface (cmbs) (Photos 1-5). Soils typically consisted of reddish brown sandy clay and loam mottled with dark brown sandy loam, yellowish brown compacted sand, and reddish brown clay (Photo 6). Typically, this highly disturbed deposit extended 20-25 cmbs. The underlying deposit consisted of a thin layer of very compacted coarse yellowish sand with limestone inclusions over compacted reddish brown clay with no inclusions. One shovel test, located at approximately mm29, consisted of a thick layer of the compacted sand and limestone that could not be excavated beyond approximately 50 cmbs because of compaction (Photo 7). A piece of aluminum foil was recovered at the interface between the compacted sandy subsoil and the mottled sandy clay loam matrix above (at approximately 30 cmbs). One drainage runs perpendicular to the interstate within this section of the corridor near mm29. Culvert construction to allow water to pass under the roadway has impacted the ROW and median at this crossing (Photo 8).

North of mm30, soils were more compacted at the surface and shovel tests ranged in depth from 15 to 35 cmbs (Photos 9 & 10). A typical soil profile for these shovel tests consisted of 10-15 cm of very compacted reddish brown sandy loam with yellowish brown sandy mottles and limestone inclusions overlying very compacted reddish brown clay. Three drainages cross the median between mm30 and mm32. Culvert construction within the ROW and median at these water crossings have disturbed the soils in these locations (Photos 11 & 12).

The disturbed soils found in all of the excavated shovel tests indicates the ROW on the east side of the northbound lanes on Interstate 35 between mm28 (Callaghan Ranch interchange) and mm32 (San Roman interchange) are disturbed and have been impacted by the construction of the road. The road bed appears to have been built up during construction to create a level and slightly elevated surface. The uniform and unnatural nature of the ground as it slopes away from the paved roadway suggests soils may have been excavated from the ROW to both build up the road and to create a slope from the pavement to facilitate drainage from the road. Given the unnatural contour of the ROW and evidence of disturbed soils directly overlying subsoils in excavated shovel tests, we conclude that construction of the interstate highway and routine maintenance of the ROW has severely impacted the project area and that little or no potential for intact archaeological deposits exists within the four-mile survey corridor.

In accordance with 36 CFR Part 800.4(d)(1), the U.S. Army Corps of Engineers, Fort Worth District has determined there will be no historic properties affected by the placement of signs, lights, or ingress and egress roads in connection with the construction of the Border Patrol Checkpoint Station. We ask for your concurrence with this determination. If you have any questions, please feel free to contact Ms. Nancy Parrish at (817) 886-1725.

CONCUR	
by <u>William A. Fickel, Jr.</u>	
for F. Lawrence Dyer	
State Historic Preservation Officer	
Date <u>1/15/04</u>	

Sincerely,

Paul M. Halton

William Fickel, Jr.
for Chief, Planning, Environmental
and Regulatory Division



DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF

January 29, 2003

Planning, Environmental, and Regulatory Division

Mr. F. Lawrence Oakes
State Historic Preservation Office
P.O. Box 12276
Capital Station
Austin, Texas 78711

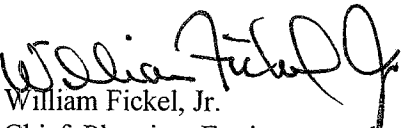
Dear Mr. Oakes:

On behalf of the U.S. Customs and Border Protection (CBP), the U.S. Army Corps of Engineers, Fort Worth District (USACE) is submitting the Supplemental Environmental Assessment (SEA) for the proposed check station along I-35 at mile marker 29 north of Laredo, Webb County Texas. This SEA is a supplement to the original 2002 USACE EA, *Environmental Assessment for the Construction of USBP Checkpoint, Laredo, TX*, which addressed impacts of the checkpoint facility within the boundaries of the 15-acre property adjacent to I-35. The SEA will assess potential impacts to the environment that may result from the proposed construction and operation of the ingress and egress ramps between the check station and the mainlanes of I-35 and property within the existing Texas Department of Transportation (TXDOT) right-of-way. Additionally, comments submitted by TXDOT to the original EA after its finalization will be addressed.

Implementation of the proposed action is not expected to cause significant adverse impacts on the human and natural environment. Based on cultural surveys and assessments performed in the project area and area of potential effect, significant adverse impacts to the cultural resources within the proposed project area are not anticipated. USACE received a concurrence letter to this affect from your office on 15 January, 2004. We thank you for the prompt attention given to this project. Please see correspondence letters included in the SEA.

This EA is submitted for your review and solicits any additional comments or concerns your agency may have regarding this proposed action. Please respond with any comments or concerns within 30 days of the date of this letter. Additional information regarding the proposed action is available upon request. Please address any requests or comments to Mr. Mark Doles (817) 886-1693 of my staff. Thank you for your cooperation in this matter.

Sincerely,


William Fickel, Jr.
Chief, Planning, Environmental, and
Regulatory Division

Enclosures

UNITED STATE BORDER PATROL CHECKPOINT STATION LOCATED AT MILE MARKER 29 ON US INTERSTATE 35 NEAR LAREDO, TEXAS

Introduction

The United States Border Patrol (USBP) is proposing to construct a checkpoint station near Laredo, Texas, approximately two miles north of the Interstate 35/Camino Columbia exchange (the Undertaking). Fifteen acres of a private property parcel located along the east side of the highway (approximately thirty miles north of the United States/Mexico border on Interstate Highway 35) will be purchased. The new construction will occupy approximately half of that tract (Figure 1).

As part of a supplement to the *Final Environmental Assessment for the Proposed Construction of Border Patrol Construction Checkpoint at I-35 Mile Marker 29, Laredo, Webb County, Texas*, a study was undertaken by the U.S. Army Corps of Engineers, Fort Worth District to assess the proposed access roads to and from the checkpoint and Interstate Highway (IH) 35 for archaeological deposits and to evaluate the potential for the presence of any buildings, structures or improvements within the Undertaking's Area of Potential Effect (APE) which could be considered to be eligible for the National Register of Historic Places. The visual reconnaissance for potential intact archaeological deposits was limited to the parcels of land located between IH35 and the previously surveyed project area fence line. The area within a one-half mile radius of the project area was considered to be the APE for the survey of buildings, structures or improvements. Investigative surveys of the land located outside the proposed fifteen-acre construction parcel but within the APE were conducted in the fall of 2003.

Assessment of Cultural resources along the proposed access road right of way

The property between the exiting east shoulder of IH35 and the fence line of the property proposed for the checkpoint station was visually inspected for evidence of intact archaeological deposits. This 30-35 meter span of land is divided by an existing access road that parallels IH35. From the shoulder of IH35, a grassy expanse extends 15 meters (45 feet) east to the existing access road. This strip of land has been sloped to form a V-shape to facilitate storm water drainage from the two roads (Photos 1 and 2). The existing access road is a small two lane paved road with unimproved shoulders. It is approximately 8 meters (20 feet) wide. Another expanse of grassy land extends from the eastern edge of the access road to the fence line of the proposed checkpoint property. This strip of land slopes down from the access road approximately 5 meters and levels off to the fence another 5 meters (Photo 3). The level surface at the eastern edge of this 10 meter expanse serves as a storm water runoff.

The entire length of the project area was walked by an archaeologist from the Fort Worth District. Ground surface visibility ranged from less than 10% to over 80% and evidence of erosion from water runoff was apparent throughout the project area (Photos 4 and 5). No evidence of cultural material was observed during the inspection of the property. Given the disturbance created by the unnatural sloping of the land between the two roads from previous road and drainage ditch construction, the evidence that the access road bed was built up for construction and contoured for drainage, and the evidence of long-term erosion on both strips of land, the Fort Worth District recommends that no intact archaeological deposits exist within the proposed checkpoint access rights of way. No further work is recommended in these areas.

Assessment Of Existing Structures And Improvements National Register Of Historic Places Eligibility

Examination of the 1980 United States Geological Survey map titled *Callahan Ranch North 7.5 Minute Quad* (Callahan Quad), showed only three buildings (at Site #1) and one improvement (the dam at Site #5) present within the APE (see Figure 1). However, during a survey of the APE on September 17, 2003, 22 structures and 13 improvements at 5 sites were identified and evaluated (see Figures 1 and 2).

Site #1 [6 photographs]

Fourteen structures, eight improvements

This site, located approximately 3/16 mile east of Interstate Highway 35 in the northeast quadrant of the APE, consists of large working ranch complex, with multiple residential structures and assorted outbuildings and improvements. Though the Callahan Quad map indicated a road leading to three structures at this location, the survey found three distinct groups of ranch buildings located at the western, eastern and northern ends of this site.

At the western end of the complex **[3 photographs]** there are three residential structures with low-pitched roofs grouped together, along with a covered, flat roofed open (no walls) structure and three associated small outbuildings and fencing. All the residential structures, outbuildings and the flat roofed, open structure have corrugated metal roofs and are in fair condition. Multiple additions (porches, sheds and rooms) have been made to the residential structures. All the structures at this site are less than 50 years of age. Because the residential structures (plus the three associated outbuildings and the flat roofed, open structure) at the western end of the Site 1 ranch complex are less than 50 years of age, do not embody the distinctive characteristics of a type, period or method of construction and no longer retain their original integrity due to their incompatible additions, they have been determined to not be eligible for listing in the National Register of Historic Places.

At the eastern end of the complex **[2 photographs]** there is a single wood frame residential structure with a low-pitched roof and four associated wood frame outbuildings. All are in good condition and have been recently constructed. Also

present are a new circular wood corral, a new rectangular wood corral, associated other new wood fencing and a new steel windmill and stock tank. Because all of the structures and improvements at the eastern end of the Site 1 ranch complex are less than 50 years old, it has been determined they are all ineligible for listing in the National Register of Historic Places.

At the northern end of the complex [1 photograph] there is a single wood frame residential structure with a low-pitched roof, two associated outbuildings, a small corral and some fencing. The outbuildings are sheathed with corrugated metal, as are the roofs of the residential structure and the outbuildings. All are in good condition and have been recently constructed. Because all of the structures and improvements at the northern end of the Site 1 ranch complex are less than 50 years old, it has also been determined they are all ineligible for listing in the National Register of Historic Places.

Site #2 [1 Photo]

Four structures, one improvement

This site, located approximately 1/4 mile east of Interstate Highway 35 in the northeast quadrant of the APE, includes two buildings, both of which are in good condition and occupied/in use. The main building is a one-story concrete masonry unit residence with a shallow slope, wood frame, asphalt shingle roof, and it has an attached outbuilding of similar construction. Behind this residential structure is an outdoor masonry cooking structure with an eight-foot chimney. There is also a barn structure with a single flat roof and two shallow pitched roofs located north of the house; the barn is sheathed and roofed with corrugated metal. A fence surrounds this portion of the property. Both the residence, the barn and the associated structure and improvement are less than 50 years old, and therefore have been determined to not be eligible for listing in the National Register of Historic Places.

Site #3 [1 Photo]

Two structures, one improvement

This site, located approximately 3/18 mile east of Interstate Highway 35 in the center of the APE, includes of a windmill tower, a rusted steel stock tank and the abandoned remains of a wooden livestock corral.

The windmill tower is intact and in operating condition, but it is less than 50 years of age and therefore not eligible for the National Register of Historic Places. The associated water stock tank also is in good condition, but again is less than 50 years of age, and therefore has been determined to not be eligible for listing in the National Register of Historic Places.

The wooden livestock corral is no longer being used and is in very poor condition. It is unknown whether the structure is more or less than 50 years of age, but it has no known association with any historically significant individuals or events, and does not embody the distinctive characteristics of a type, period or method of construction. Additionally, it

no longer retains its integrity and therefore is not eligible for listing in the National Register of Historic Places.

Site #4 [3 Photos]

Two structures, two improvements

This site, located approximately 1/8 mile west of Interstate Highway 35 near the center of the APE, includes the abandoned ruins of single story masonry residential structure, the lower portion of an abandoned windmill tower and two rusted steel tanks; all are in very poor condition. The Callahan Quad map indicates there are no structures at this location, only a road leading from the highway.

The structure's remaining partial walls are constructed of fieldstone/rubble masonry and parged with stucco. Only two walls (on the eastern and southern elevations) of the residential structure are intact, with no elements of the south elevation's door or window remaining. The small remaining portions of the western and northern elevations' walls are crumbling, and all of the roof elements (membrane and structure) are gone. Though the structure may be more than 50 years of age, it has no known association with any historically significant individuals or events, and does not embody the distinctive characteristics of a type, period or method of construction. Additionally, it no longer retains its integrity and therefore is not eligible for listing in the National Register of Historic Places.

Only the lower fifteen-foot tall portion of a steel tower structure (the remains of a windmill/water pump used to fill the steel stock tanks) is present. Though the structure could be more than 50 years of age, it has no known association with any historically significant individuals or events, and does not embody the distinctive characteristics of a type, period or method of construction. Additionally, it no longer retains its integrity and therefore is not eligible for listing in the National Register of Historic Places.

Both steel tanks are approximately 10 feet in diameter; one is approximately 8 feet tall, the other approximately 3 feet tall. Both are open tanks (no covers), and are heavily rusted. Though the tanks may be more than 50 years of age, they have no known association with any historically significant individuals or events, and do not embody the distinctive characteristics of a type, period or method of construction. Additionally, they no longer retain their integrity and therefore are not eligible for listing in the National Register of Historic Places.

Site #5 [No Photos]

One improvement

This site, located approximately 4/10 mile east of Interstate Highway 35 in the southeast quadrant of the APE, consists of a small earthen dam that impounds drinking water for cattle. Although it is in good condition, it is a recent (less than 50 years old) simple improvement that has no known association with any historically significant individuals

or events, and does not embody the distinctive characteristics of a type, period or method of construction. Therefore, the dam is not eligible for the National Register of Historic Places.

Conclusion

Following a surface inspection of the proposed US Border Patrol check point station access locations between IH35 and the checkpoint property fence line, it was determined that the area has been impacted by past road and drainage ditch construction and subsequent erosion. No intact deposits were identified and no evidence of cultural material recovered. After an examination of both a United States Geological Survey and a visual survey of the APE of the Undertaking, it was determined that there are no buildings, structures or improvements located within that APE which meet the criteria for listing in the National Register of Historic Places. The Fort Worth District recommends no historic properties will be impacted by the proposed project construction.

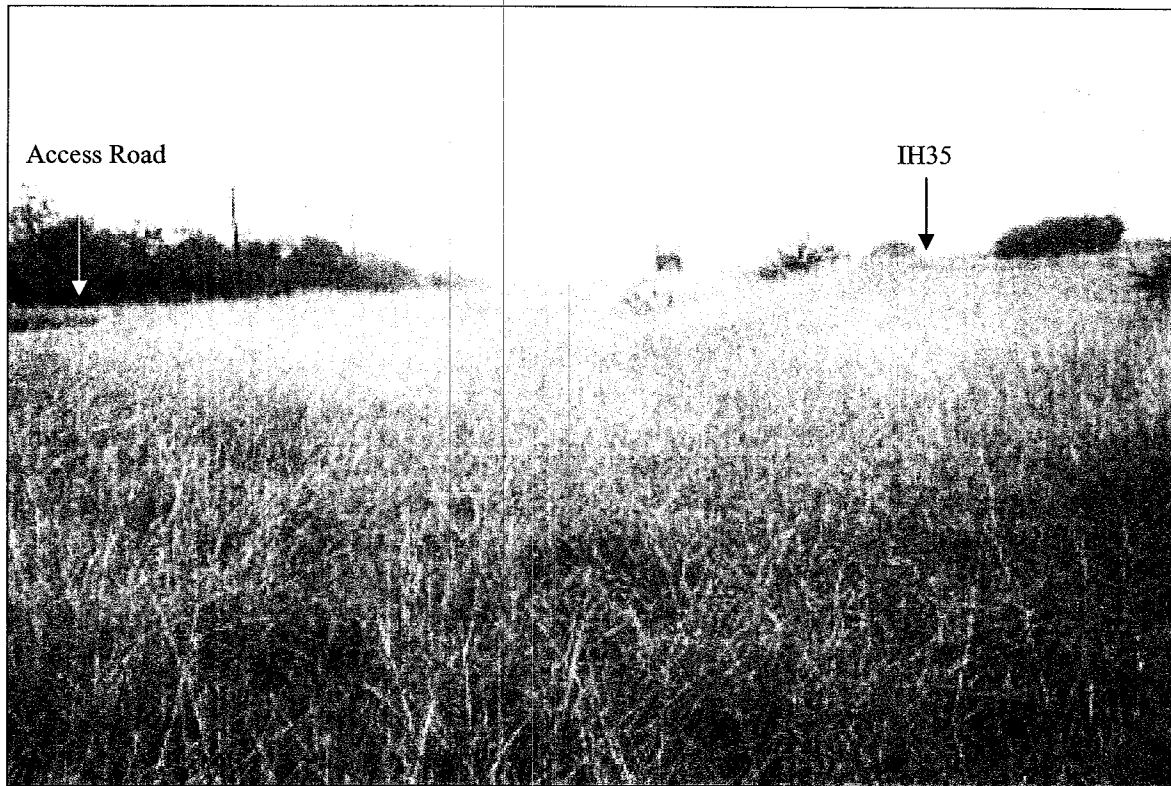


Photo 1. View facing South of V-shaped strip between IH35 and the access road.



Photo 2. View facing North of V-shaped strip between IH35 and the access road.

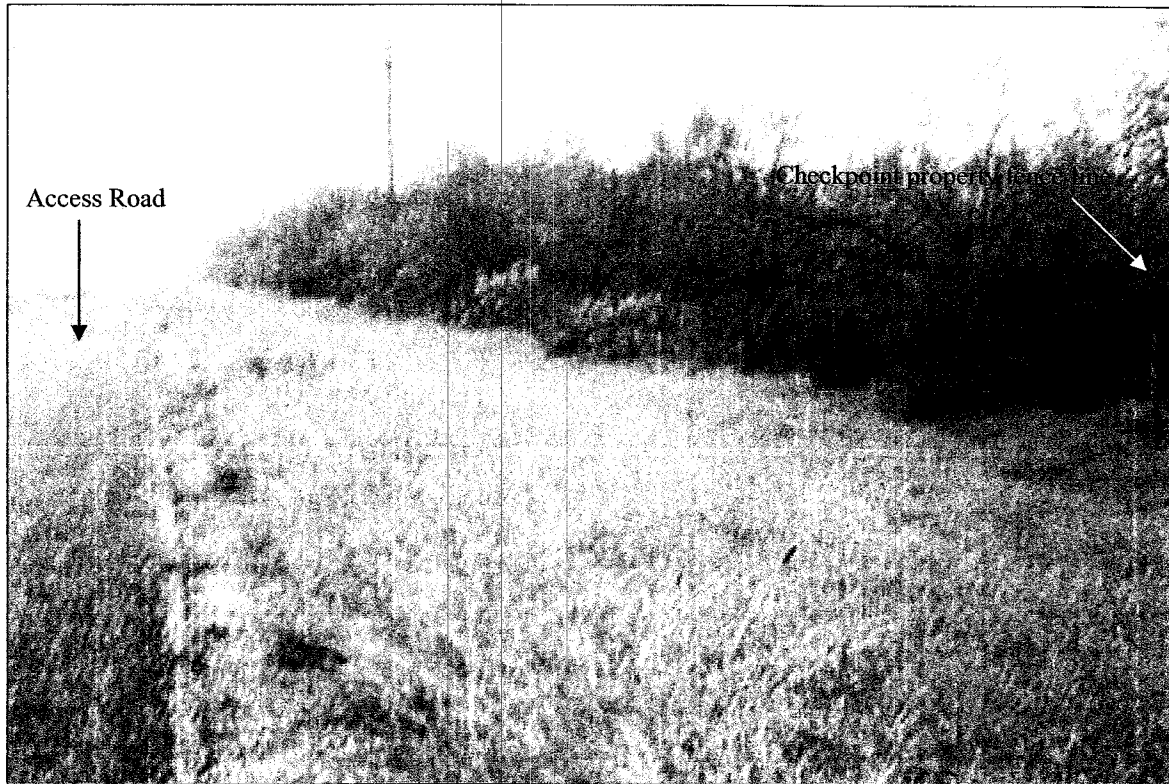
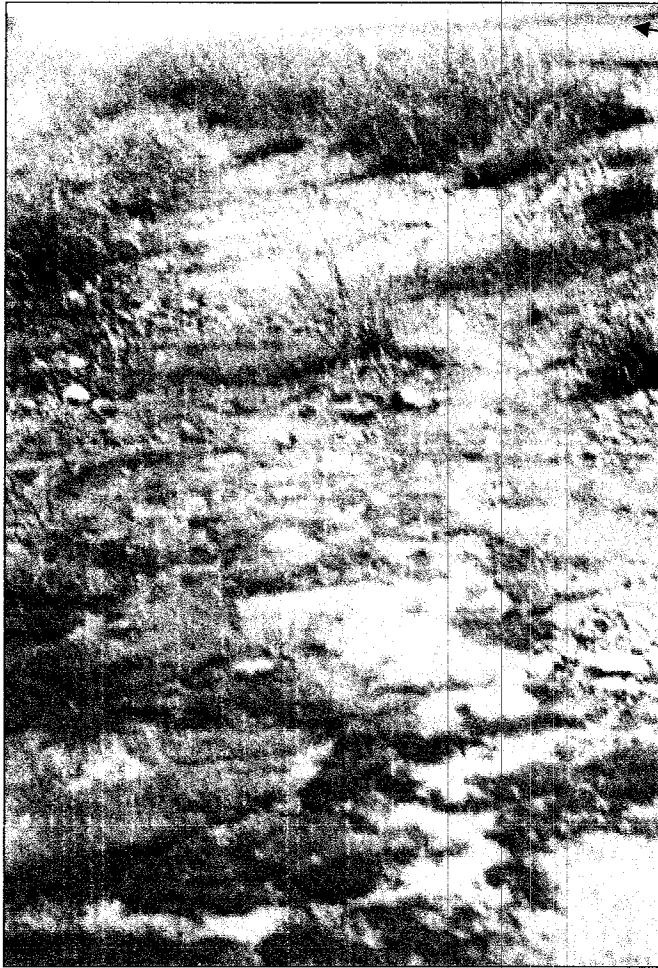


Photo 3. View facing North of slope on east side of access road.



Photo 4. Typical ground surface visibility.



Access Road

Photo 5. View facing south of evidence of erosion along east side of access road.



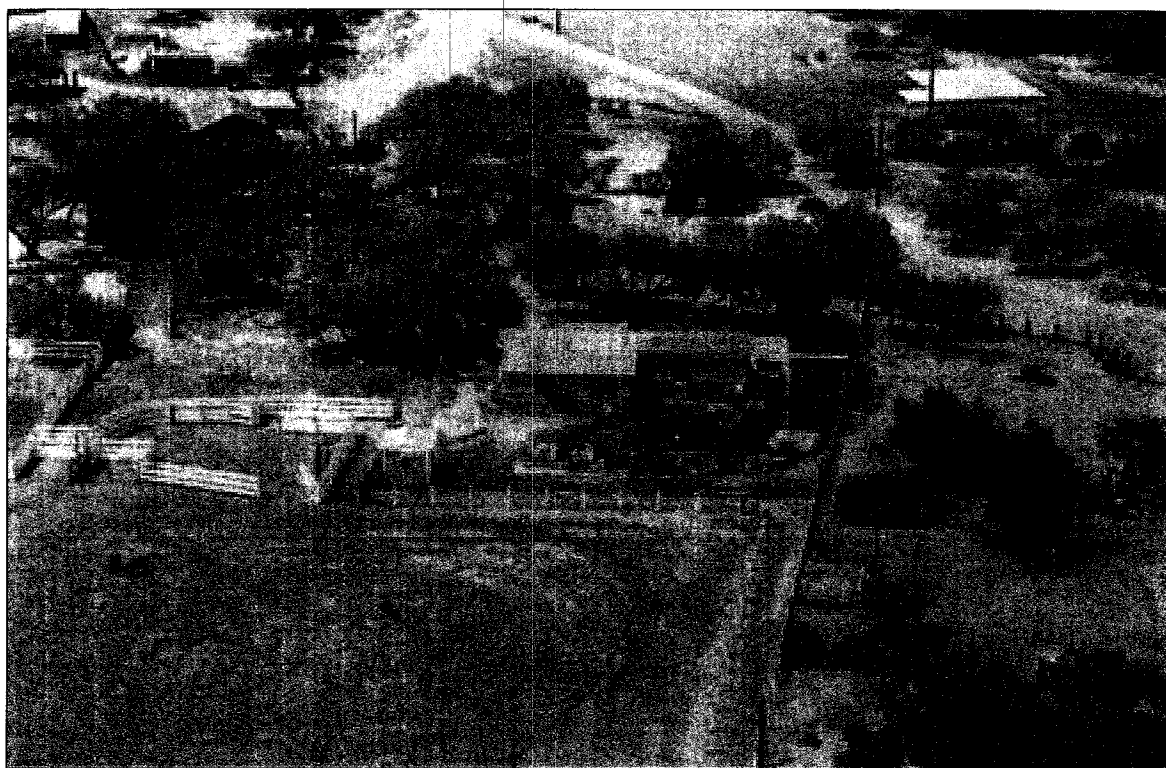
Site 1, west end.



Site 1, west end



Site 1, west end



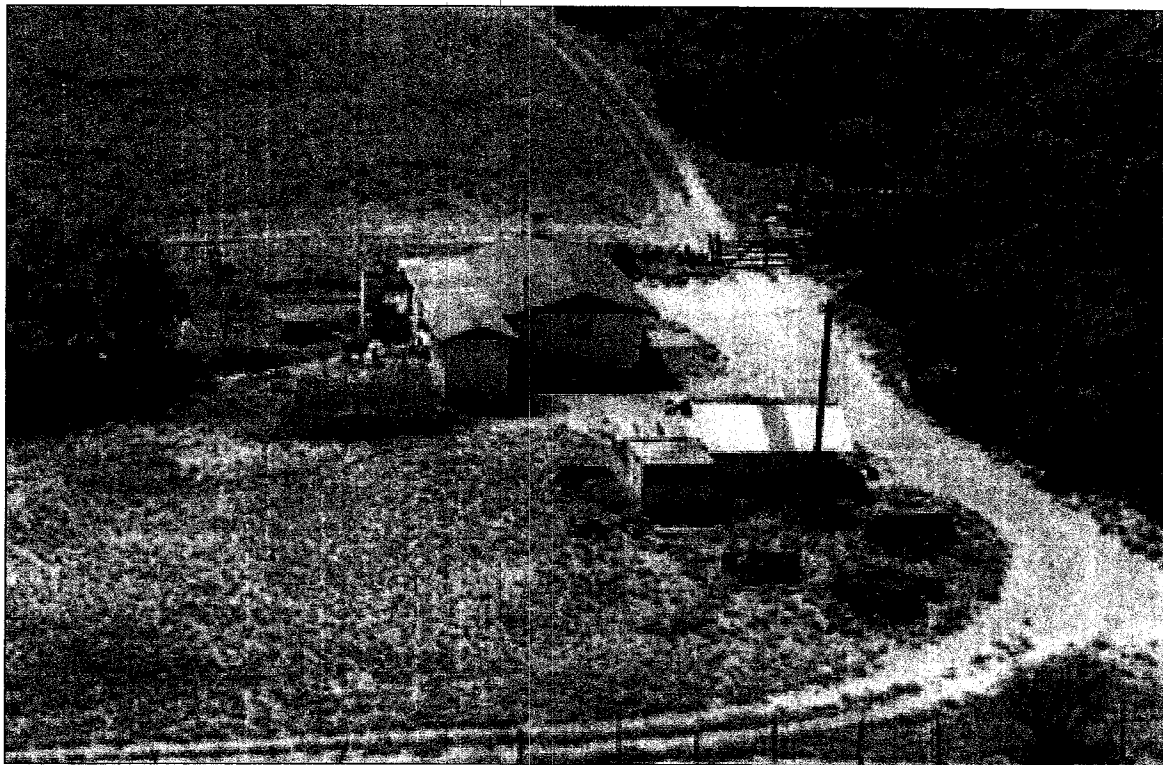
Site 1, east end



Site , east end



Site 1, north end.



Site 2.



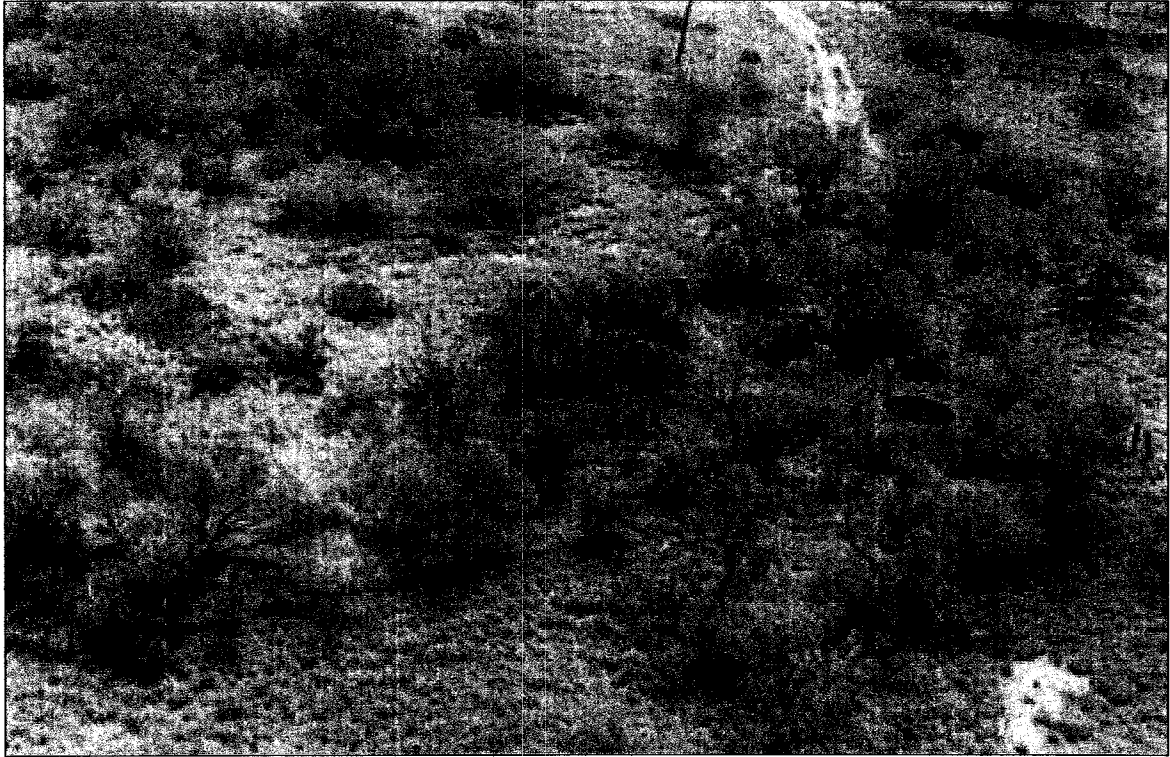
Site 3.



Site 4.



Site 4.



Site 4.

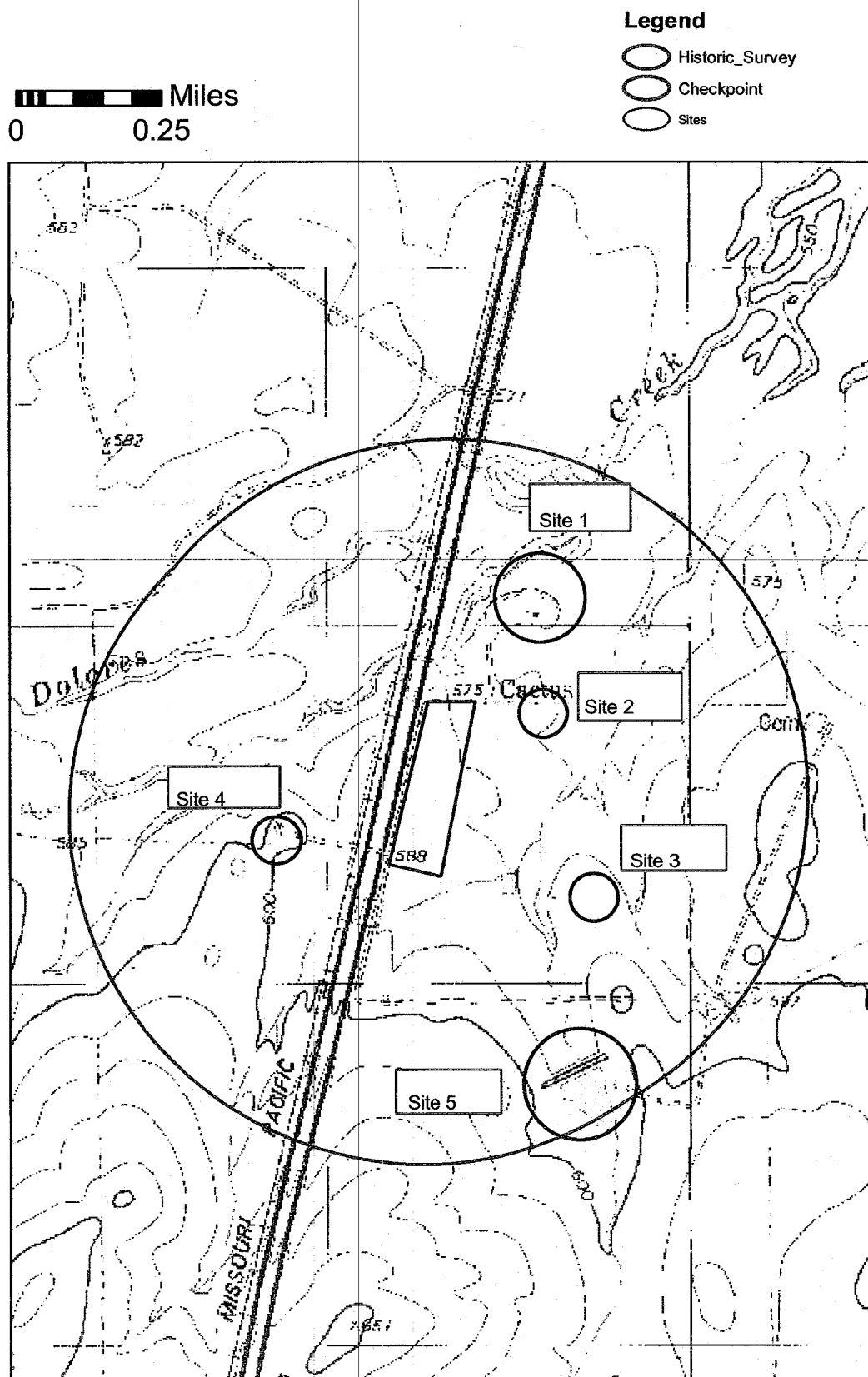


Figure 1. USGS 7.5 minute quad (Callahan Ranch North) map with building, structure and improvement sites indicated.

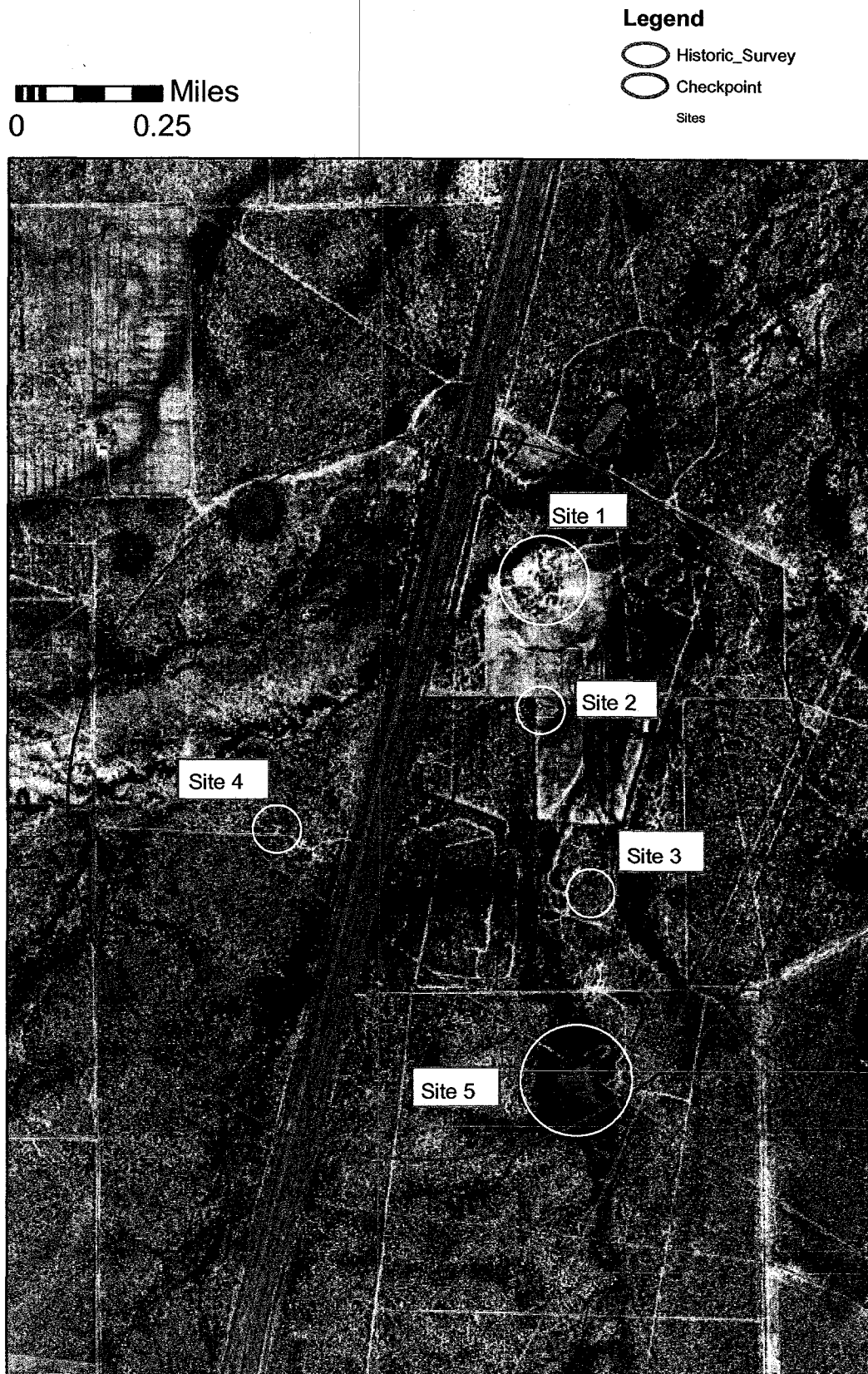


Figure 2. Aerial photo of project APE with building, structure and improvement sites indicated.

Appendix B

Hazardous Materials Regulatory Data
Report-GeoSearch
November 2003



Regulatory Data Report

(ASTM E1527-00)

Property Address:

***Checkpoint Station at Laredo, TX
IH 35N - Mile Marker 29
Laredo, TX
Site Project #: GS-10F-0266K***

Prepared For:

***Karen Coopersmith
Arcadis
11490 Westheimer, Ste. 600
Houston, Texas 77077***



November 11, 2003

Karen Coopersmith
Arcadis
11490 Westheimer, Ste. 600
Houston, Texas 77077

Karen Coopersmith,

GeoSearch has researched the environmental data records for: IH 35N – Mile Marker 29 – Laredo, Texas. The following is a listing of sites found.

<u>Records Searched</u>	<u>Sites Mapped</u>	<u>Radius</u>
TXSF	0 sites	1 mile
NPL	0 sites	1 mile
DNPL	0 sites	1 mile
CERCLIS	0 sites	½ mile
NFRAP	0 sites	½ mile
RCRIS		
Corracts	0 sites	1 mile
TSD	0 sites	½ mile
Generator	0 sites	¼ mile
LPST	0 sites	½ mile
PST	0 sites	¼ mile
ERNS	0 sites	¼ mile
SPILLS	0 sites	¼ mile
LANDFILLS		
Municipal Solid Waste	0 sites	½ mile
Closed / Abandoned	0 sites	½ mile
VCP	0 sites	½ mile
Total	0 sites	

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1 Mile Radius

1/2 Mile Radius

1/4 Mile Radius

US Hwy 81



APPROXIMATE LOCATIONS ONLY



PROPERTY

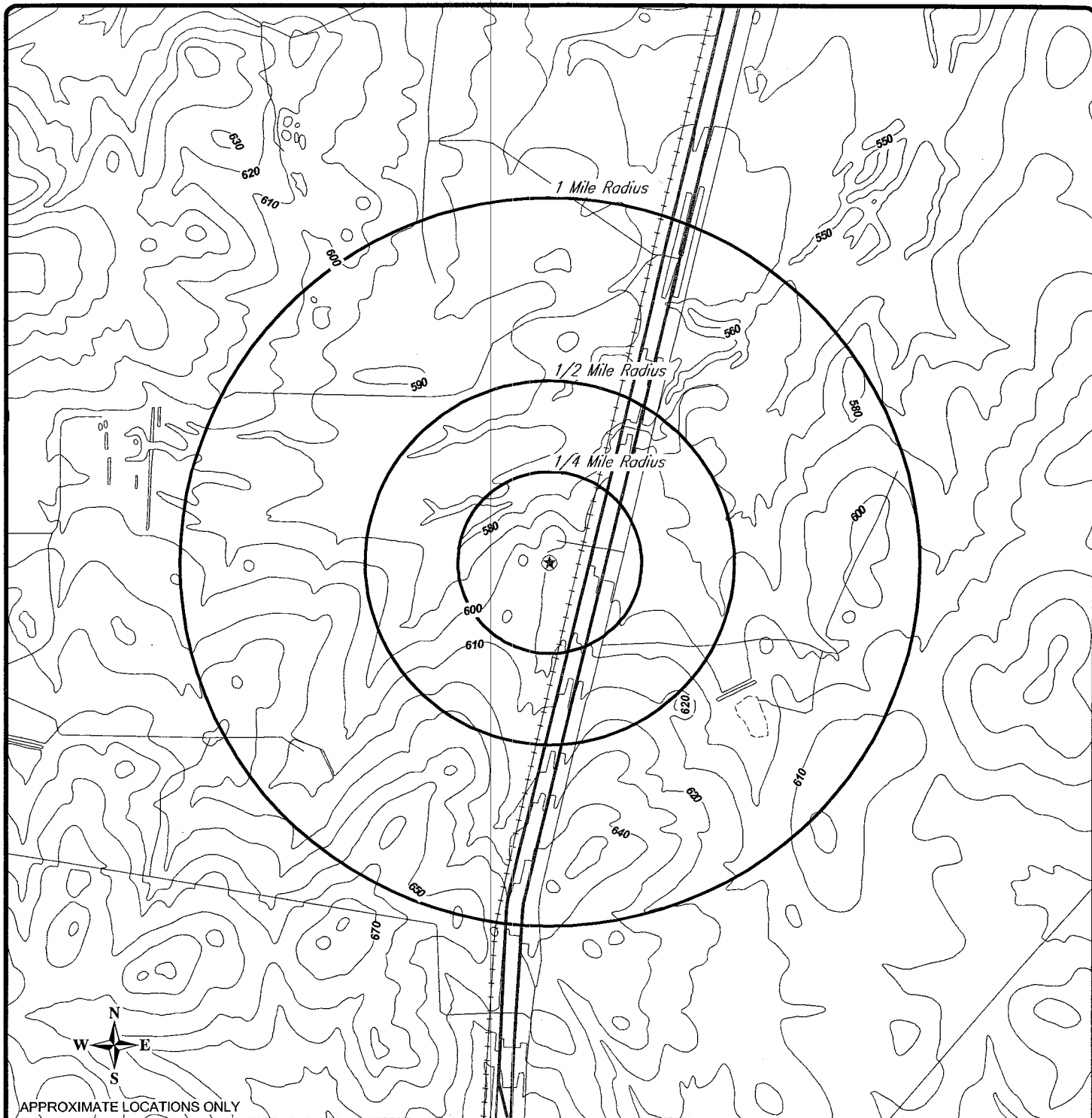
SITE MAP

Checkpoint Station at Laredo, TX
IH 35N - Mile Marker 29
Laredo, TX
Site Project #: GS-10F-0266K

0' 1000' 2000' 3000'
SCALE: 1" = 2000'



510 S. Congress Ave. Suite 103
Austin, Texas 78704
866-396-0042



★ PROPERTY
 ~ CONTOUR INTERVAL

SITE/CONTOUR MAP

Checkpoint Station at Laredo, TX
 IH 35N - Mile Marker 29
 Laredo, TX
 Site Project #: GS-10F-0266K

0' 1000' 2000' 3000'
 SCALE: 1" = 2000'



510 S. Congress Ave. Suite 103
 Austin, Texas 78704
 866-396-0042

1 Mile Radius

1/2 Mile Radius

1/4 Mile Radius



APPROXIMATE LOCATIONS ONLY

★ PROPERTY

ORTHOPHOTO SITE MAP

Callaghan Ranch North Quadrangle
Source: USGS (1/1996)

Checkpoint Station at Laredo, TX
IH 35N - Mile Marker 29
Laredo, TX
Site Project #: GS-10F-0266K

0' 1000' 2000' 3000'

SCALE: 1" = 2000'



510 S. Congress Ave. Suite 103
Austin, Texas 78704
866-396-0042

GeoSearch

Environmental Data Services

REPORT SUMMARY OF UNLOCATABLE SITES

The list below identifies sites that are found to be unlocatable due to vague or incomplete location information. Sites on this list may or may not be located within the area searched for this report.

DATABASE TYPE	SITE ID#	SITE NAME	ADDRESS	CITY	ZIP CODE
NFRAP	TXD050652973	D & D FLY SERVICE INC	3MI.NW OF INTERSECTION I-35	LAREDO	78041
RCRISG	TXD000760942	DONS ENGINE SERVICE OF LAREDO	NORTH I-35	LAREDO	78041
RCRISG	TXD099578155	SONY MAGNETIC PROD OF AMERICA	HWY 35 1M N	LAREDO	78041



ENVIRONMENTAL RECORDS DEFINITIONS - FEDERAL

CERCLIS	Comprehensive Environmental Response, Compensation & Liability Information System	(8/2003)	ASTM
---------	-----------------------------------------------------------------------------------	----------	------

CERCLIS is the repository for site and non-site specific Superfund information in support of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). This database contains an extract of sites that have been investigated or are in the process of being investigated for potential environmental risk.

DNPL	Delisted National Priority List	(8/2003)	ASTM
------	---------------------------------	----------	------

This database includes U.S. Environmental Protection Agency (EPA) National Priority List sites that fall under the EPA's Superfund program, established to fund the cleanup of the most serious uncontrolled or abandoned hazardous waste sites identified for possible long-term remedial action.

ERNS	Emergency Response Notification System	(12/2002)	ASTM
------	----------------------------------------	-----------	------

This EPA database contains data on reported releases of oil and hazardous substances. The data comes from spill reports made to the EPA, U.S. Coast Guard, the National Response Center and/or the Department of Transportation.

FINDS	Facility Index System	(2/2003)	ASTM Supplemental
-------	-----------------------	----------	-------------------

FINDS data is a comprehensive listing of facilities regulated under a variety of EPA programs. The FINDS database provides some basic information about each facility and a listing of ID numbers in other EPA databases.

NFRAP	No Further Remedial Action Planned	(8/2003)	ASTM
-------	------------------------------------	----------	------

This database includes sites, which have been determined by the EPA, following preliminary assessment, to no longer pose a significant risk or require further activity under CERCLA. After initial investigation, no contamination was found, contamination was quickly removed or contamination was not serious enough to require Federal Superfund action or NPL consideration.

NPDES	National Pollutant Discharge Elimination System	(2/2003)	ASTM Supplemental
-------	-------------------------------------------------	----------	-------------------

Information in this database is extracted from the (PCS) Water Permit Compliance System database which is used by EPA to track surface water permits issued under the Clean Water Act.

NPL	National Priority List	(8/2003)	ASTM
-----	------------------------	----------	------

This database includes U.S. Environmental Protection Agency (EPA) National Priority List sites that fall under the EPA's Superfund program, established to fund the cleanup of the most serious uncontrolled or abandoned hazardous waste sites identified for possible long-term remedial action.

RCRIS	Resource Conservation & Recovery Act Information System	(10/2003)	ASTM
-------	---------------------------------------------------------	-----------	------

This databases include Handlers, Generators (Large, Small, and Exempt), Transporters, Violations, Corrective Actions, and Treatment, Storage & Disposal Facilities (TSD) (this database includes selective information on sites which handle, generate, transport, store, treat, or dispose of hazardous wastes). See RCRIS Description page for more information.



ENVIRONMENTAL RECORDS DEFINITIONS - FEDERAL

TRI

Toxic Chemical Release Inventory

(12/2002) ASTM Supplemental

This EPA database includes information about releases and transfers of toxic chemicals from manufacturing facilities.



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ENVIRONMENTAL RECORDS DEFINITIONS - STATE

BSA	Brownfields Site Assessments	(6/2003)	ASTM Supplemental
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The BSA database includes relevant information on contaminated Brownfields properties that are being cleaned.

CALF	Closed & Abandoned Landfill Inventory		ASTM
------	---------------------------------------	--	------

TCEQ, under a contract with Southwest Texas State University, and in cooperation with the 24 regional Council of Governments in the State, has located over 4,000 closed and abandoned municipal solid waste landfills throughout Texas. This listing contains "unauthorized sites". Unauthorized sites have no permit and are considered abandoned. The information available for each site varies in detail.

IHW	Industrial And Hazardous Waste	(9/2003)	ASTM Supplemental
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Owner and facility information is included in this database of industrial and hazardous waste sites. Industrial waste is waste that results from or is incidental to operations of industry, manufacturing, mining, or agriculture. Hazardous waste is defined as any solid waste listed as hazardous or possesses one or more hazardous characteristics as defined in federal waste regulations.

IOP	Innocent Owner / Operator	(9/2003)	ASTM Supplemental
-----	---------------------------	----------	-------------------

Texas Innocent Owner / Operator (IOP) provides a certificate to an innocent owner or operator if their property is contaminated as a result of a release or migration of contaminants from a source or sources not located on the property, and they did not cause or contribute to the source or sources of contamination.

LPST	Leaking Petroleum Storage Tank	(8/2003)	ASTM
------	--------------------------------	----------	------

The Leaking Underground Storage Tank listing is derived from the Petroleum Storage Tank (LPST) database is maintained by the Texas Commission on Environmental Quality (TCEQ). This database includes facilities with reported leaking petroleum storage tanks.

MSWLF	Municipal Solid Waste Landfill Sites	(3/2003)	ASTM
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Sites listed within a solid waste landfill database may include active landfills and inactive landfills, where solid waste is treated or stored.

PST	Petroleum Storage Tank	(8/2003)	ASTM
-----	------------------------	----------	------

The Underground Storage Tank listing is derived from the Petroleum Storage Tank database which is administered by the TCEQ (Texas Commission on Environmental Quality). Both Underground storage tanks (USTs) and Aboveground storage tanks (ASTs) are included in this report.

SPILLS	Spills	(7/2003)	ASTM
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The Texas Commission on Environmental Quality provides this database. Information includes releases of hazardous or potential hazardous chemical/materials into the environment.



ENVIRONMENTAL RECORDS DEFINITIONS - STATE

TXSF	State Superfund	(5/2003)	ASTM
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The state Superfund program mission is to remediate abandoned or inactive sites within the state that pose an unacceptable risk to public health and safety or the environment, but which do not qualify for action under the federal Superfund program (NPL - National Priority Listing). Information in this database includes any recent developments and the anticipated action for these sites.

VCP	Voluntary Cleanup Program	(9/2003)	ASTM Supplemental
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The Texas Voluntary Cleanup Program (VCP) provides administrative, technical, and legal incentives to encourage the cleanup of contaminated sites in Texas. Since all non-responsible parties, including future lenders and landowners, receive protection from liability to the state of Texas for cleanup of sites under the VCP, most of the constraints for completing real estate transactions at those sites are eliminated. As a result, many unused or underused properties may be restored to economically productive or community beneficial uses.



RCRIS – Descriptions

Acronyms

RCRISG – RCRIS GENERATOR/HANDLER

RCRIST – RCRIS TSD

RCRISC – RCRIS CORRECTIVE ACTION

Generator Types

Large Quantity Generators:

- Generate 1,000 kg or more of hazardous waste during any calendar month; or
- Generate more than 1 kg of acutely hazardous waste during any calendar month; or
- Generate more than 100 kg of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, or acutely hazardous waste during any calendar month; or
- Generate 1 kg or less of acutely hazardous waste during any calendar month, and accumulate more than 1kg of acutely hazardous waste at any time; or
- Generate 100 kg or less of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, of acutely hazardous waste during any calendar month, and accumulated more than 100 kg or that material at any time.

Small Quantity Generators:

- Generate more than 100 and less than 1000 kilograms of hazardous waste during any calendar month and accumulate less than 6000 kg of hazardous waste at any time; or
- Generate 100 kg or less of hazardous waste during any calendar month, and accumulate more than 1000 kg of hazardous waste at any time.

Conditionally Exempt Small Quantity Generators:

- Generate 100 kilograms or less of hazardous waste per calendar month, and accumulate 1000 kg or less of hazardous waste at any time; or
- Generate one kilogram or less of acutely hazardous waste per calendar month, and accumulate at any time:
 - 1 kg or less of acutely hazardous waste; or
 - 100 kg or less of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, or acutely hazardous waste; or
- Generate 100 kg or less of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, or acutely hazardous waste during any calendar month, and accumulate at any time:
 - 1 kg or less of acutely hazardous waste; or
 - 100 kg or less of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, of acutely hazardous waste.

TSD Indicator: Indicates that the handler is engaged in the treatment, storage or disposal of hazardous waste.

Allowed Values: TSD

Not a TSD, Verified

Not a TSD, Unverified

Transporter Indicator: Indicates that the handler is engaged in the transportation of hazardous waste.

Allowed Values: Handler transports wastes for hire (i.e., commercial transport)

Handler transports wastes for self

Handler transports wastes, but commercial status is unknown

Not a transporter, verified

Unverified

Appendix C

Abbreviations and Acronyms

Abbreviations and Acronyms

APE	Area of Potential Effect
CBP	U.S. Customs and Border Patrol
CFR	Code of Federal Regulations
DHS	Department of Homeland Security
EA	Environmental Assessment
et al.	<i>et alia</i> (and others)
FHWA	Federal Highway Administration
FONSI	Finding of No Significant Impact
FPPA	Farmland Protection Policy Act
FR	Federal Register
FSC	Federal Species of Concern
INS	Immigration and Naturalization Service
MOU	Memorandum of Understanding
MPO	Metropolitan Planning Organization
NAAQS	National Ambient Air Quality Standards
NAFTA	North American Free Trade Agreement
NEPA	National Environmental Policy Act of 1969
NOI	Notice of Intent
NRCS	Natural Resource Conservation Service
NRHP	National Register of Historic Places
ROW	Right-of-Way
SHPO	State Historic Preservation Office
SW3P	Storm Water Pollution Prevention Plan
TCEQ	Texas Commission on Environmental Quality
TCMP	Texas Coastal Management Program
THC	Texas Historical Commission
TIP	Transportation Improvement Plan
TPDES	Texas Pollutant Discharge Elimination System
TPWD	Texas Parks & Wildlife Department
TxBCD	Texas Biological and Conservation Database
TxDOT	Texas Department of Transportation
U.S.	United States
USACE	U.S. Army Corps of Engineers
USBP	U.S. Border Patrol
U.S.C.	United States Code
USDA	U.S. Department of Agriculture
USFWS	U.S. Fish & Wildlife Service

Appendix D

List of Preparers

List of Preparers

U.S. Department of Homeland Security

Kevin Feeney- Environmental Planning, 20 years of experience in EIS/EAs for federal projects.
Role in Project: Program Manger

U.S. Corps of Engineers, Fort Worth District

Mark Doles- Biology/Ecology, BA, MA Biology and 10 years of experience in biology. Role in
Project: Project Management

Dwight Packer March- Licensed architect, 22 years of experience in architecture. Role in project:
EA review and coordination

Nancy Parrish- Anthropology/Archeology, BA, MA Anthropology/Archeology and 6 years
experience in Anthropology/Archeology. Role in Project: Cultural resources fieldwork
and documentation, EA review and coordination

Patience Patterson- Archeologist, 29 years of experience in archeology/cultural resources
management. Role in project: EA review and coordination

Laredo District, Texas Department of Transportation

Melisa Montemayor- Laredo District Transportation Administrator, 13 years of experience in
environmental biology. Role in project: EA review and coordination

A-E Resource Center

Eric Verwers- Biology, 14 years of experience in NEPA and related studies. Role in Project: EA
review and coordination

ARCADIS

Jeff Collins, P.E.- Transportation Engineer, 23 years of experience in transportation. Role in
Project: Project Management

Karen E. Coopersmith- Environmental Specialist, BS, MS Environmental Biology and 3 years of
experience in NEPA and related studies. Role in Project: fieldwork and EA document
preparation

Sheryl Hill- CAD specialist, 18 years of experience in design. Role in project: exhibit
preparation

Mark Metyko- Business Practice Manager, 23 years of experience in environmental and
transportation projects, Technical Advisor and Principal in Charge

Melissa A. Neeley, AICP- Planner, 23 years of experience in environmental analysis of
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Appendix D

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FHWA	Federal Highway Administration
FONSI	Finding of No Significant Impact
FPPA	Farmland Protection Policy Act
FR	Federal Register
FSC	Federal Species of Concern
INS	Immigration and Naturalization Service
MOU	Memorandum of Understanding
MPO	Metropolitan Planning Organization
NAAQS	National Ambient Air Quality Standards
NAFTA	North American Free Trade Agreement
NEPA	National Environmental Policy Act of 1969
NOI	Notice of Intent
NRCS	Natural Resource Conservation Service
NRHP	National Register of Historic Places
ROW	Right-of-Way
SHPO	State Historic Preservation Office
SW3P	Storm Water Pollution Prevention Plan
TCEQ	Texas Commission on Environmental Quality
TCMP	Texas Coastal Management Program
THC	Texas Historical Commission
TIP	Transportation Improvement Plan
TPDES	Texas Pollutant Discharge Elimination System
TPWD	Texas Parks & Wildlife Department
TxBCD	Texas Biological and Conservation Database
TxDOT	Texas Department of Transportation
U.S.	United States
USACE	U.S. Army Corps of Engineers
USBP	U.S. Border Patrol
U.S.C.	United States Code
USDA	U.S. Department of Agriculture
USFWS	U.S. Fish & Wildlife Service

Appendix E

References

References

- Everitt, James H. and D. Lynn Drawe. 1993. Trees, Shrubs, and Cacti of South Texas. Texas Tech University Press. Lubbock.
- Federal Register (FR). 1984. Farmland Protection Policy; Final Rule (7 CFR Part 658, 27716-27727p.; July 5, 1984). U.S. Government Printing Office. Washington D.C.
- GeoSearch. 2003. *Checkpoint Station at Laredo, Tx IH 35N-Mile Marker 29, Laredo, Texas Regulatory Data Report*. November 11, 2003.
- Gould, F.W. Hoffman, G.O. and Rechenthin, C.A., 1960. *Vegetational Areas of Texas: Texas A&M University*. Texas Agricultural Experimental Station Leaflet No. 492 (Modified by the Texas Parks and Wildlife Department).
- McMahan, Craig A., Roy G. Frye and Kirby L. Brown. 1984. The Vegetation Types of Texas: Including Cropland. Texas Parks and Wildlife Department, Wildlife Division. Austin.
- Taylor, Richard B., Jimmy Rutledge, and Joe G. Herrera. 1999. A Field Guide to Common South Texas Shrubs. Texas Parks and Wildlife Department, Wildlife Division.
- Texas Biological Conservation System (TxBCD). 2003. Review of the Texas Biological Conservation System by J. Pitts. Texas Parks and Wildlife Department. Austin. November 3, 2003.
- Texas Department of Transportation (TxDOT). 1996. *Guidelines for Analysis and Abatement of Highway Traffic Noise*.
- Texas Commission on Environmental Quality (TCEQ) [formerly the Texas Natural Resource Conservation Commission]. 1996. *The State of Texas Water Quality Inventory, 13th Edition, Volume I and IV*. December 1996.
- Texas Parks and Wildlife Department (TPWD). 2003.
<http://www.tpwd.state.tx.us/nature/endang/endang.htm>.

- U.S. Army Corps of Engineers (USACE). 2002. *Environmental Assessment for Construction of USBP Checkpoint, Laredo, TX*. Prepared for the U.S. Army Corps of Engineers (USACE). FONSI issued June 26, 2002.
- U.S. Army Corps of Engineers (USACE). 2003. Cultural Resources Report for: *United States Border Patrol Checkpoint Station Located at Mile Marker 29 on US Interstate 35 Near Laredo, Texas*. November 2003.
- U.S. Army Corps of Engineers (USACE). 2003. *Interstate Access Justification Report: US Border Patrol Checkpoint Facility Interstate Highway 35, Located at Mile Post 29 Laredo, Texas, Webb County*. November 5, 2003.
- United States Fish and Wildlife Service (USFWS). 2003.
<http://ifw2es.fws.gov/endangeredspecies/lists/ListSpecies.cfm>.